

APPENDIX I

TAB F

In The Matter Of:

*Tammy Kitzmiller, et al. v.
Dover Area School District, et al.*

*Jeffrey Allen Brown
May 17, 2005*

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TAMMY KITZMILLER; et al.,
Plaintiffs
CIVIL ACTION NO. 04-CV-2688

vs.
DOVER AREA SCHOOL DISTRICT, (JUDGE JONES)
et al.,
Defendants

Deposition of : JEFFREY ALLEN BROWN
Taken by : Defendants
Date : May 17, 2005, 10:00 a.m.
Before : Vicki L. Fox, RMR,
Reporter-Notary

Place : Two School Lane
Dover, Pennsylvania

APPEARANCES:
AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA
BY: MARY CATHERINE ROPER, ESQUIRE
For - Plaintiffs
THOMAS MORE LAW CENTER
BY: PATRICK T. GILLEN, ESQUIRE
For - Defendants

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STIPULATION

[1] It is hereby stipulated by and between the
[2] respective parties that sealing, certification and filing
[3] are waived; and that all objections except as to the form
[4] of the question are reserved until the time of trial.
[5]
[6] JEFFREY ALLEN BROWN, called as a witness, being
[7] duly sworn, was examined and testified, as follows:
[8] BY MR. GILLEN:
[9] Q: Good morning, Mr. Brown. My name is Pat Gillen. I am
[10] an attorney for the defendants in this action. I have
[11] introduced myself off the record. I want to do it now
[12] so you know my name. Please feel free to call me Pat
[13] throughout the deposition if you have any questions that
[14] we need to address.
[15] As you know, this is the time and place that has
[16] been set for your deposition, which as I see it is
[17] simply just my chance to get your side of the story.
[18] Plainly, we have got a story that has developed here,
[19] and a controversy that has arisen from that.
[20] This is my opportunity to get to ask you questions
[21] under oath and you respond. It can be used later as
[22] evidence in the case.
[23] There's a few facets to this procedure which are
[24] sort of unusual. The first is that Vicki, our court

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[1] reporter, transcribes our exchange. That puts a premium
[2] on verbal responses as opposed to gestures or what shall
[3] I say responses?
[4] A: Grunts.
[5] Q: Grunts or sounds that are not words. So please try and
[6] respond with words. And if you don't, Vicki will prompt
[7] you, and I will try to.
[8] A: Good, you may have to.
[9] Q: Second, the process tends to lay bear the degree to
[10] which human communication is rather imprecise. There
[11] may be questions I ask which you find difficult to
[12] understand. If that is the case, please let me know,
[13] and I will do my best to clarify and ask a better
[14] question.
[15] By the same token, please know that I am trying to
[16] understand your answer. And there may be occasions in
[17] which I don't understand you. If I ask for more detail
[18] or try and ask the question a different way, please bear
[19] with me. My purpose is not to harass you, but simply to
[20] make sure I understand you today.
[21] The deposition process is not an endurance
[22] contest, nor do I mean to make you uncomfortable. If at
[23] any point in the proceeding you wish to take a break,
[24] just to collect your thoughts, or use the facilities, or
[25] whatever, please let me know, and I will do that.

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[1] Similarly, I don't view the deposition process as
[2] an opportunity to make you feel uncomfortable. If I am
[3] asking a question that is making you feel uncomfortable,
[4] please indicate that, and I will do my best to address
[5] that your being uncomfortable to the extent I can
[6] consistent with my duty to my clients.
[7] I think that covers the general facets of this
[8] procedure you need to know about upfront.
[9] Have you been deposed before?
[10] A: No.
[11] Q: Would you please state your full name for the record?
[12] A: Jeffrey Allen Brown.
[13] Q: Current address?
[14] A: 5401 Davidsburg Road, Dover, Pennsylvania 17315.
[15] Q: Thank you very much. How would you like me to address
[16] you?
[17] A: I have no preferences. I don't care.
[18] Q: May I use your first name?
[19] A: I don't care.
[20] Q: Are you currently employed?
[21] A: I am self-employed.
[22] Q: What do you do?
[23] A: I am an electrician.
[24] Q: Do you have a business under your name?
[25] A: Brown's Electrical Service.

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[1] Q: A few questions I have to ask just to make sure that the
[2] testimony is good for today. As we sit here today, are
[3] you on any medication that might impair your ability to
[4] perceive and respond to my questions?
[5] A: No.
[6] Q: How about over the course of the last two years or so
[7] from January 2002 forward, at any time during that —
[8] A: No.
[9] Q: — period? Any handicaps that may impede your ability
[10] to understand?
[11] A: Not really, no. I am legally blind, but it is
[12] correctable with glasses. That is the only handicap I
[13] am aware of.
[14] Q: Same thing, if we look at just your health and ability
[15] to perceive and recall from January 2002 forward?
[16] A: No, nothing really.
[17] Q: Excellent. Would you please give me a sketch of your
[18] educational background beginning with high school?
[19] A: Beginning with high school?
[20] Q: Yes.
[21] A: It also ends with high school just for the record. Just
[22] about a hundred feet from here, that's where I went to
[23] high school.
[24] Q: Dover High?
[25] A: In those days, it was grade seven through twelve at the

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[1] — it was all called high school. There was no junior
[2] high. There was no intermediate. You went to
[3] elementary from first to sixth and high school from
[4] seventh through twelfth. And at that point, I
[5] terminated my education.
[6] Q: Or began your life's education?
[7] A: As you want to put it. Formally, anything you can show
[8] on a sheepskin, that's where it stops.
[9] Q: Good enough. Let me ask you: Have you retained counsel
[10] for the purpose of this deposition?
[11] A: No.
[12] Q: Have you consulted with anyone in preparation for the
[13] deposition?
[14] A: Eric Rothschild and another fellow whose name escapes me
[15] Chris somebody stop at our house on Sunday, yes.
[16] Q: Sure. I believe that is Christopher Lowe?
[17] A: You got me. I am not going to confirm or deny that it
[18] was Christopher Lowe. His first name was Chris.
[19] Q: That's fine.
[20] A: He is expecting a baby, but don't ask me his last name.
[21] Q: That's fine. As you sit here today, what do you recall
[22] about your exchange with Mr. Rothschild and Mr. Lowe?
[23] A: All they basically did was it was pretty much give us
[24] what it was going to be about and what the limits were.
[25] There was no prepping. They didn't say well, talk about

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[1] this.
[2] They emphasized that we are supposed to tell the
[3] truth because we are under oath. And if we get caught
[4] lying, it is perjury, and we really don't want that.
[5] But I watch enough TV that I already knew that,
[6] anyway. I also saw the movie My Cousin Vinny so I even
[7] understand the discovery process, which I had never
[8] heard of until that film came out. So I am
[9] self-educated thanks to Hollywood which means I probably
[10] know nothing.
[11] Q: I think you have got a sufficient working knowledge of
[12] the process. How about the newspaper articles, did they
[13] go through the newspaper articles with you?
[14] A: No, they didn't.
[15] Q: Did they ask you any questions about the quality or
[16] accuracy of newspaper reportage dealing with this
[17] dispute? By which I mean the dispute surrounding the
[18] biology text and the curriculum.
[19] A: Yes. At one point, there was a discussion on the two
[20] local newspaper — the two reporters who cover our Board
[21] meetings regularly. I have to say regularly because
[22] most of the articles — the only two they mentioned were
[23] Joe Maldonado and Heidi Bernhard-Bubb; although Heidi
[24] Bernhard-Bubb is now on maternity leave and has been
[25] replaced by Christine Kauffman. I am not on the Board

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[1] anymore so it didn't pertain to us anyway.
[2] They did ask us if in our experience we felt they
[3] were generally accurate. And both my wife and I said
[4] yes.
[5] Q: Did they go through specific quotes?
[6] A: No.
[7] Q: From the newspaper articles?
[8] A: No, it was just general.
[9] Q: How about anything that Mr. Rothschild and Chris
[10] discussed with you on Sunday?
[11] A: As I said, you know, they basically — my wife and I
[12] went over the timeline with them roughly. We didn't get
[13] into a lot of specifics and details.
[14] It was sort of like a warm-up, a prep, just to see
[15] if we were doing anything wrong. We weren't really — I
[16] think we were mostly concerned. I have never been
[17] deposed. She has been on a legal — unrelated legal
[18] matter while she was Board President. But we were just
[19] basically going through to see what to expect and so on
[20] and so forth. It did not get into specifics.
[21] Q: Okay. You mentioned going through the timeline. Did
[22] you create any document in preparation for your meeting
[23] with them?
[24] A: My wife created one that day. I didn't.
[25] Q: What document did your wife create?

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[1] A: She brought it with her yesterday.
[2] Q: Was it a seating chart?
[3] A: Well, she did the seating chart that day for their
[4] benefit. I guess — I don't know. No. She had an
[5] actual — and believe me, it was rough because there
[6] were a few areas where we were guessing as to the actual
[7] dates.
[8] They were all in the year 2004. There was no
[9] question about that. But the actual month, especially
[10] the actual days, there was some question on some of
[11] them.
[12] Q: Sure. That's fine. Just to make sure I am
[13] understanding you correctly, it seems that your wife
[14] created a document during that conversation that was a
[15] rough timeline?
[16] A: Of dates. And I am sure she brought it with her
[17] yesterday. I don't know if you got a copy of it or not.
[18] Q: I will check. It is probably not a matter of great
[19] import.
[20] A: It would have been covered in her — all it was was
[21] dates and places, nothing else.
[22] Q: Okay. Anything else about your exchange with
[23] Mr. Rothschild and Mr. Lowe that you can recall?
[24] A: Nothing, no. I mean obviously, Chris's wife is having a
[25] baby. Relevant nonsense like that. Nothing that I was

[1] in any way germane. Maybe I am missing something. But
[2] as I said, we did not get into specifics.
[3] In fact, sometimes we veered toward specifics, and
[4] he really kind of — this isn't necessary. It was
[5] really just sort of prepping us, that type of session.
[6] Q: How long was the meeting?
[7] A: About two hours. Since you have already deposed my
[8] wife, you can guess why it took so long.
[9] Q: You can ask Vicki to strike that later. Did they ask
[10] any questions about statements made by other Board
[11] members touching on religion?
[12] A: Yes, that came up in a general sense. Nothing — but
[13] yes, in a general sense, there was questions. And that
[14] is how we got on to the accuracy of the local reporters.
[15] Q: Tell me to the extent you can recall what you told
[16] Mr. Rothschild and Mr. Lowe on that very point.
[17] A: I am glad you asked these questions. We did volunteer a
[18] few things that did not happen in public session.
[19] Specifically — and you may have heard this yesterday,
[20] but I will go over it again.
[21] At one point as we were nearing the — what's the
[22] right word I am looking for here — the culmination —
[23] it's out there; I'll get it someday. Anyway, we're
[24] getting near October 18th. In fact, it may have been
[25] October 18th. I can't be certain it wasn't.

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[1] This was an executive session. This was not in
[2] the public. I had stated that we could not — how did I
[3] put that? We could not endorse one religion over other
[4] religions. And I said the only way we can take a stance
[5] that is inherently religious is if we are willing to —
[6] I said if we teach one, we have to teach them all.
[7] And Heather Geesey, who is the current Board
[8] Vice-President, looked me right in the eye and very
[9] indignantly said we're not teaching other religions in
[10] this school. That was one thing that I brought up.
[11] I am saying we didn't talk about specifics. I
[12] forgot.
[13] Q: That's quite all right. It is natural for you to
[14] remember more as I ask you questions.
[15] A: There was another incident. We believe this was in
[16] September. We're not positive. We are positive it was
[17] the one meeting in 2004 — we had one meeting in 2004 at
[18] the high school. What we are positive is it was at that
[19] meeting. So whichever date that was, that is when it
[20] occurred.
[21] My wife had suggested a world religions class to
[22] address this issue. She stated again that we have to
[23] teach, but we have to teach them all. And Alan Bonsell
[24] said no, we don't.
[25] And those were two specific instances that I

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(1) remember relating other than some of things that were
(2) said at public meeting which were reported in the
(3) newspapers and so on.

(4) Q: Anything else you recall telling Mr. Rothschild or Chris
(5) about statements by Board members touching on religious
(6) matters on Sunday?

(7) A: Those two stand out. Not off the top of my head at the
(8) moment. As you said as we go through this, more may
(9) come back to me.

(10) Q: I appreciate that. Did you go over any documents
(11) with —

(12) A: No, no documents. We did not — I again stand
(13) corrected. My wife showed them her notes from the
(14) curriculum committee meetings. He took a quick glance
(15) at them, and he did not make copies. But she did show
(16) them to him. And she made that seating chart for him,
(17) too, which you have.

(18) Q: How were those notes kept? Were they computer documents
(19) that had been printed out?

(20) A: I believe they were hand — to be honest, I didn't look
(21) at them myself. I think they were handwritten, but I am
(22) not positive. And she was reading a few things from the
(23) curriculum committee.

(24) To be honest with you, I was out of the room for
(25) part of that because I wasn't part of the curriculum

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(1) committee and knew for nothing about it.

(2) We had gotten a phone call during the session, and
(3) I took the phone call. So I don't know what all. But
(4) basically my understanding is she was giving him
(5) information, reading him information from those
(6) meetings. Again, I was not present.

(7) Q: Okay.

(8) A: I wasn't present for the curriculum committee meetings.

(9) Q: Apart from your discussions with Mr. Rothschild and
(10) Chris on Sunday, have you spoken with anyone else other
(11) than your wife in preparation for the deposition? Have
(12) you checked with anyone?

(13) A: Not really, no, no. I mean I have mentioned it to
(14) people, but I haven't gotten any advice or anything like
(15) that.

(16) Q: Let me be more precise. Have you spoken with anyone for
(17) the purpose of attempting to refresh your recollection
(18) of the events?

(19) A: No. No, I don't think so. Boy, I hate to say that with
(20) such conviction because it almost seems like I should
(21) have. Doesn't it? But I don't remember discussing.

(22) I am not exactly sure who — I did see Noel
(23) Wenrich last night, and we discussed the upcoming
(24) deposition, blah, blah, blah. But as far as refreshing
(25) my memory, no, I don't think so.

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(1) Q: When you spoke with Mr. Wenrich, did you discuss the
(2) controversy in general?

(3) A: Yeah.

(4) Q: What did you tell Mr. Wenrich?

(5) A: We just — I think we were discussing the election more
(6) than we were discussing Intelligent Design to be honest
(7) with you.

(8) Q: Well, tell me, just give me a sense for what you said to
(9) him.

(10) A: Basically, I told him I have no idea how this election
(11) is going to go today. I said I'm hearing so many
(12) conflicting different blah, blah, blah.

(13) Q: Did you discuss with him the events in August, 2002
(14) dealing with the biology text or those votes?

(15) A: No.

(16) Q: The events of October 18th and his rather astounding
(17) display of Parliamentary skills?

(18) A: It didn't astound those of us who know him. Not really.
(19) I think we exchanged a few disparaging comments on
(20) Mr. Buckingham, but I think that's as close as we got.
(21) It really wasn't any interest to a court I should hope.

(22) Q: The comments about Mr. Buckingham, what was their gist
(23) if you can tell me that?

(24) A: Scatological, and we will leave it go at that. He
(25) referred to specific portions of the human anatomy

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(1) common to both sexes for the purpose of excretion, and
(2) we will leave it go at that.

(3) Q: We will leave it go at that.

(4) MS. ROPER: We don't need any more details about
(5) that.

BY MR. GILLEN:

(7) Q: Just to make sure I understand you, have you spoken with
(8) Barrie Callahan?

(9) A: No. God forbid!

(10) Q: How about Fred Callahan?

(11) A: No. Never in my life have I spoken to Fred. I have
(12) spoken to Barrie, but not in a long time. And that was
(13) strictly when I had to.

(14) Q: When was the last time you spoke with Barrie Callahan?

(15) A: I specifically recall the night I resigned. She came up
(16) and hugged Casey and I both, and we both felt we needed
(17) a bath afterwards. I can't absolutely say that I have
(18) spoken to her since. If it was, it was nothing but mere
(19) pleasantries. On one side at least, they were forced.

(20) Q: I take it that was your side?

(21) A: You may do so, yes.

(22) Q: Just give me a sense for why is that. You obviously
(23) have some reservations?

(24) A: Barrie Callahan irritates me. We will leave it at that.
(25) I used to refer to her as the fly. When she was the

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[1] sole remaining member of the old Board, I used to refer
[2] to her — not to her face obviously — but as the fly
[3] because she is irritating, but not dangerous.

[4] When she was voted off the Board, I was not the
[5] least bit sorry. But she came back to haunt us.

[6] Q: That has come up in several of depositions. Let me get
[7] your sense of that. There is a way in which Ms.
[8] Callahan — her conduct at the Board meetings after she
[9] was off the Board might be described as that of a
[10] gadfly.

[11] Did you see her in those terms?

[12] A: Yeah, as a gadfly. I will say this: Her points were
[13] usually well taken. It wasn't Barrie's areas of
[14] interest that I had a problem with. It was Barrie's
[15] methods of conveying those areas of interest.

[16] I found her extremely confrontational, and I don't
[17] think I was alone in that.

[18] Q: Viewing her from your perspective as a Board member, did
[19] you see her as somewhat politically motivated when she
[20] was engaging the Board after she was no longer a Board
[21] member herself?

[22] A: It was my opinion she had some axes to grind. It is
[23] just an opinion. I will say this: The areas in which
[24] she showed interest were areas that would be of interest
[25] to any parent with children in the school, which is

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[1] indeed the case with Barrie Callahan.

[2] Again, we go back to methods. And there I would
[3] say she was somewhat political, yes.

[4] Q: In your capacity as a Board member when she sort of
[5] approached the Board and given this kind of way that she
[6] projected herself, or addressed, communicated her
[7] concerns, what was your attitude towards her? Did you
[8] have a sense of it is Barrie again?

[9] A: That's about literally correct. It was more like oh,
[10] God, here she comes again. But I never said it. This
[11] was just what I thought. I tried to be polite.

[12] In fact, her last year on the Board, I
[13] specifically requested to be seated next to Barrie. Not
[14] because I wanted to be, but because I was probably the
[15] Board member best able to sit next to her without
[16] resorting to physical violence. And I did so.

[17] Believe me, this was taking one for the team when
[18] I told them that. But literally it was getting to the
[19] point where people were like get me away from that
[20] woman. And finally, I said fine, put me next to her.
[21] And I did. I did my duty.

[22] Q: And let me ask you about that because I have deposed
[23] Mrs. Callahan so I know there was no physical violence
[24] literally.

[25] A: None, whatsoever.

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[1] Q: But I do have the sense that there was some sort of
[2] friction between Mrs. Callahan as the last remaining
[3] member of the Board and those who came onto the Board as
[4] a result of the election which displaced many of Barrie
[5] Callahan's old sort of shall we say allies on the Board;
[6] is that accurate?

[7] A: Yes. She was pretty much odd person out. Oddly enough,
[8] I remember siding with her on two different issues, but
[9] don't hold it against me. I thought she was actually
[10] right so I stuck with her.

[11] Q: And in this situation she found herself in as the sort
[12] of sole remaining member, do you feel — and again, I am
[13] asking for your opinion kind of as a Board member who
[14] participated in the Board deliberations — that there
[15] was some tension, sort of personal tension between
[16] Mrs. Callahan and the other members of the Board?

[17] A: Whether it was personal, I cannot say. There was
[18] tension. It could have been purely political. I am not
[19] going out on a limb and say personal.

[20] Q: Actually, your answer helps me clarify the question. I
[21] am not after the personal dimension of the relationship.

[22] A: To be honest with you, I am not aware of any personal
[23] issues. There were political differences definitely.

[24] Q: And that is fair, and more of what I am trying to get
[25] at. Political differences, are you referring to

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[1] political differences touching on Board matters?

[2] A: Yes.

[3] Q: If you had to describe the nature of those political
[4] differences, how would you just in general? Was it
[5] fiscal responsibility versus a more liberal spending
[6] attitude?

[7] A: We saw it that way. I doubt that she would use those
[8] terms, and she would probably be right. An awful lot of
[9] times on School Boards, there is a question of we can
[10] spend "x" amount of dollars to achieve "y" amount of
[11] results. And two people can look at those "y" results,
[12] and one will see them as being worth "x" number of
[13] dollars, and the other person will not. There's no hard
[14] and fast formula for it. That's where political
[15] differences do come into play.

[16] Q: Looking back on your tenure with the Board, did you
[17] pretty much see the differences between Mrs. Callahan
[18] and the other Board members in those terms?

[19] A: I felt they interpreted "y" more liberally than I did.
[20] They would see more value in what the money was buying
[21] than I was inclined to see. I am not going to tell you
[22] it was right. I don't know.

[23] Q: Who is the they you are referring to there; is it
[24] Mrs. Callahan?

[25] A: In this case — beginning with my time on the Board, it

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[1] would have been five Board members Mrs. Callahan, Larry
[2] Snook, Lonnie Langione, Shirley Harnish, who was then
[3] the Board President, and Barrie was the Board
[4] Vice-President and Roger Murphy.

[5] Both Roger and Shirley declined to run four years
[6] ago. At that point, our group got control of the Board.
[7] Our group consisted at that time of — well, the four
[8] who ran four years ago were Sheila Harkins, Alan Bonsell
[9] my wife and Angie Yingling. I was already on the Board.

[10] Q: Right.

[11] A: At that point after that election, then they would have
[12] consisted of Larry Snook and Lonnie Langione and Barrie
[13] Callahan.

[14] Q: Which would be the Board members who remained on the
[15] Board?

[16] A: Right, from the old. And when was that? In 2003,
[17] Mr. Snook and Mr. Langione both resigned. At that
[18] point, yes, from that point on, I think it was January
[19] of 2003, from that point forward, Barrie was the sole
[20] remaining member.

[21] The friction had been there prior to that. But at
[22] that point, it basically became her baby. It would
[23] probably seem more personal from that point on because
[24] it was directed at one person. But it wasn't — I don't
[25] think it was personal. It was just there was only one

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[1] person from that faction left, so gee.

[2] Q: I do understand you now. Speaking of other notable
[3] personalities, I want to get your sense for Trudy
[4] Peterman.

[5] A: Okay. I have had very few dealings with Trudy Peterman.

[6] Q: Right.

[7] A: She did address the Board on at least two occasions in a
[8] highly confrontational manner, which is within her
[9] rights, but it's not really common practice. It is not
[10] normal for an administrator to address the Board in a
[11] confrontational manner.

[12] There is no law against it. And we never
[13] suggested any kind of punitive actions based on this,
[14] but we were rather shocked when it happened because it
[15] was not normal procedure for administrators to do that.

[16] Q: Can you recall the subject matter of her discourse on
[17] these two occasions?

[18] A: The first time — and I could even track down the date
[19] for you because it happened up at Kralltown Elementary
[20] which we only visited once a year, but I don't know that
[21] the date is really that important. Anyway, I don't know
[22] it.

[23] The first time it concerned the upcoming building
[24] project. And to be honest, I thought she had an
[25] excellent point, but I thought her manner of presenting

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[1] it could have used some diplomatic work.

[2] And following — the following day, I stopped in
[3] to see her in the afternoon when I finished work, and I
[4] was informed she was in conference with someone. I said
[5] well, I'll wait. The secretary came out and said you
[6] may as well go in because she is in conference with Alan
[7] Bonsell, who also stopped in to basically tell her the
[8] same thing.

[9] Q: Which was?

[10] A: Which was we don't have a problem with you when you have
[11] problems. We want to know what they are. But please,
[12] please, please don't do this to us in public.

[13] I remember saying to her specifically politics is
[14] my sandbox. Please stay out of it. Don't play
[15] political games. And I felt that she was grandstanding.
[16] I thought she was playing to the galleries.

[17] And both Alan and I came out of there feeling that
[18] she understood what we were saying, that we wanted to
[19] hear her objections. We were not trying to muzzle her
[20] in any way, but that we would prefer she do so through
[21] more I guess back channels is the best way. That is
[22] normally the way we get complaints from administrators.
[23] The public can come in out and chew us out. They
[24] are entitled. They are the taxpayers. We are working
[25] for them. The administrators technically are working

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[1] for the School Board, and we would like to be chewed out
[2] in private. Thank you very much.

[3] Q: You like to receive your feedback in a confidential way?

[4] A: Yes. The second was — and I am not positive this is
[5] the second because it's sort of sticking in my mind
[6] there may have been one in between there, but I am not
[7] sure. If it was, it again concerned the building
[8] project.

[9] Certainly, the last — the most recent one we had
[10] a football coach who had instituted a very strict policy
[11] for his football players. If they were arrested, not
[12] convicted, arrested for any alcohol or drug violations,
[13] they were off the team immediately.

[14] If it eventually turned out that they were not
[15] convicted, they would be reinstated. Otherwise, they
[16] were off the team.

[17] We applauded that policy incidentally; although, I
[18] was a little shaky on the arrested, but not convicted
[19] part of it.

[20] He was celebrating his birthday, and apparently
[21] celebrating it a bit too strenuously, and he rolled his
[22] vehicle over in someone's yard narrowly missing hitting
[23] their house. And he was taken to the hospital for a
[24] blood test, and he was well over the legal limit.

[25] Q: This is the coach?

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(1) A: This was the coach. The Board did nothing. We waited
(2) until he pleaded. We did not hold him to his own
(3) standard of arrested. We waited until he pleaded.
(4) He pleaded guilty, and at that point we informed
(5) him we wanted him to step down as a show — actually the
(6) policy wasn't that they were off the team, they were off
(7) the team for one year. And we told him we wanted him to
(8) step down for one year. And he refused.
(9) He solicited the support of the parents of players
(10) to come in and give testimonials in his behalf, and we
(11) did not back down. We refused to — we essentially
(12) stripped him of his coaching job.
(13) And during that meeting — and it was very heated
(14) — and on the advice of our legal counsel, we did not
(15) discuss our reasons for doing so. We simply took a vote
(16) to remove. We had talked to him in private in executive
(17) session, but we did not — you know, I may be violating
(18) something here. I am quoting executive session. This
(19) was actually the purpose of the executive session.
(20) Anyway, we did not discuss it in public. We
(21) simply let the public have their say, and then we took
(22) our vote.
(23) Mrs. Peterman spoke out in his behalf at that
(24) point. I remember my wife, who had been very much a
(25) champion of Mrs. Peterman, and when Mrs. Peterman got

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(1) up, she went oh, no under her breath. It was like she
(2) had been defending the woman, and that broke the straw
(3) as far as a personal thing.
(4) And Mrs. Peterman defended him again in a rather
(5) lofty oratorical style, and it did not influence
(6) anybody's votes. It was eight to one.
(7) Q: Did you see her championing of the coach's cause as
(8) grandstanding as you described it?
(9) A: I felt it was very inappropriate. She knew our reasons.
(10) Q: Did you see it as a sort of — what shall I say — an
(11) attack on the Board's position that was —
(12) A: No, I didn't. I didn't. I saw it as her — he was one
(13) of her teachers. She was defending him, but I thought
(14) she went above and beyond the call of duty. I did not
(15) see it as an attack on the Board, but that's just my
(16) opinion.
(17) Q: And that's fine. I just want to get a sense for why
(18) that sticks out as inappropriate or not —
(19) A: The tone. Again, the tone. A Principal could come up
(20) to the podium and very quietly state that this coach has
(21) served under me. They could do a character reference in
(22) a quiet, noninflammatory manner, and I wouldn't have
(23) had — her rhetoric was heated. It was a bit colorful.
(24) She was again playing to the galleries.
(25) Q: Do you recall her pounding the podium or anything like

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(1) that?
(2) A: No, not quite that. She didn't take her shoe off or
(3) anything. There's a world of difference — you know,
(4) when I start using words like oratory and rhetoric, I am
(5) not talking about normal conversational tones, which is
(6) normally the tone of voice that administrators address
(7) the Board in.
(8) Some of them are quite forceful. Some of them are
(9) quite eloquent, but I would not call it rhetoric or
(10) oratory. In Mrs. Peterman's case, I would.
(11) Q: You have given me two incidents. I just want to ask you
(12) any others that have come to mind as we have spoken
(13) about this?
(14) A: No, no. As I said, there may have been a second speech
(15) regarding the building project, but I'm not sure. The
(16) more I think about it, the less sure I am. So probably
(17) it was just that one.
(18) Q: That's fine. In connection with the coach and her
(19) advocating the coach's cause, you said he was her
(20) teacher, and she was —
(21) A: He worked under her.
(22) Q: If you look at your impression of Dr. Peterman as a
(23) Board member over her tenure, do you have a sense that
(24) Dr. Peterman saw herself as a champion for her teachers?
(25) A: I believe she considered that part of her job, yes. She

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(1) was an advocate for her teachers and their views and
(2) their needs.
(3) Q: And advocate vis-a-vis the administration and Board or
(4) one or both?
(5) A: I think she just viewed it as part of a Principal's job.
(6) In one sense, it is. What I would question more than
(7) anything else is her methods.
(8) Q: Sure. When is the last time you spoke with Dr.
(9) Peterman?
(10) A: I couldn't tell you.
(11) Q: Not since she left Dover?
(12) A: Certainly not, no.
(13) Q: Just let me go through a few more names to get a sense
(14) for whether you spoke with them in preparation for the
(15) deposition. I think I know, but I just want to check.
(16) There's the other plaintiffs in the action Christy
(17) Rehm, have you spoken with her?
(18) A: She came up to me after the debate, which was the first
(19) time I ever met her, and said she thought I did a good
(20) job, but she was still voting for her husband. That is
(21) the entirety of our conversation in my entire lifetime.
(22) Q: I take it you did not take offense?
(23) A: No. I would have been shocked if she said anything
(24) else.
(25) Q: How about her husband Bryan Rehm, have you spoken with

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[1] him?
[2] A: Just a few pleasantries from time to time. Introduced
[3] myself. I actually wished him luck in the upcoming
[4] election because he is running for a four-year terms and
[5] I am running for two. We are not running against each
[6] other.

[7] Q: How about Steve Stough?

[8] A: Steve Stough is one of my customers as an electrician
[9] and was long before this lawsuit. In fact, I did not
[10] recognize the name.

[11] I was at a Board meeting one night, and I knew
[12] this fellow looked familiar. And he came over and
[13] introduced himself as Steve Stough, one of the
[14] plaintiffs, and you did my electrical work. I am like
[15] that is why you look familiar. It is terrible I can't
[16] remember my customers.

[17] Yes, I knew Steve Stough professionally before
[18] this. But we have not — no, nothing.

[19] Q: No discussion of the subject matter of this litigation?

[20] A: No.

[21] Q: How about Cynthia Sneath?

[22] A: Again, a few pleasantries at meetings. That is it.

[23] Q: That's fine. And Beth Eveland?

[24] A: I may have — I think I spoke to her. I am not a
[25] hundred percent sure who Beth Eveland is. Again, just

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[1] pleasantries?

[2] Q: Tammy Kitzmiller?

[3] A: No, I don't think I would know her if I fell over her.

[4] Q: And Julie Smith?

[5] A: Julie Smith, again, the name doesn't even ring a bell.
[6] I am sure I have seen it on a thing. With a name like
[7] Julie Smith, it must have gone in one — no.

[8] Q: How about since you stepped down from the Board, let me
[9] ask you if you had any conversations with other people
[10] who were Board members? Let's start with them.

[11] Have you spoken with Angie Yingling?

[12] A: Just today to be exact. We were standing in line
[13] together to vote. I have kept in touch with Angie,
[14] yeah, basically the whole time.

[15] Q: Have you discussed together the dispute which occasioned
[16] the litigation?

[17] A: We have discussed it in the most general sense. I'm
[18] trying to — and she has told me things that occurred
[19] after we left the Board. I don't honestly — I will put
[20] it this way: If we discussed anything, it wasn't a
[21] revelation to me.

[22] The only thing that I have heard from Angie that
[23] was anything like new information or even refreshed any
[24] information was a few things she told me that occurred
[25] after I left the Board.

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[1] Q: Tell me what those are.

[2] A: Basically, it concerned politics. That political
[3] strategies and some disparaging comments made by me —
[4] made about me by people who are very friendly when I run
[5] into them, including one I just talked to right after I
[6] voted this morning.

[7] Q: Well, just give me a sense. I don't want to pry unduly,
[8] but in terms of political strategies, what are you
[9] getting at there, electoral strategies?

[10] A: As far as how to win the election. And as I said,
[11] disparaging remarks. We're referred to as atheists and
[12] quitters.

[13] Q: Did Ms. Yingling attribute that comment to someone?

[14] A: Yes, she did.

[15] Q: Tell me, Jeff, who she attributed that to?

[16] A: The same person I spoke to when I left the voting place
[17] today, Alan Bonsell. I have gotten that from two other
[18] sources other than Mrs. Yingling. He did not say
[19] that — that was not in his connection as a School
[20] Board.

[21] I have also gotten on two other occasions — I
[22] mean from two other parties who go to his church that he
[23] made the statement in church, and neither of these
[24] people is a really close friend of Alan so I have to
[25] assume he said it in a fairly large forum that we are

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[1] referred to as atheists and quitters, both Casey and I.

[2] Actually, Casey, Noel and I. I shouldn't exclude

[3] Noel Wenrich. He was also referred to in that sense.

[4] Q: Give me just for the sake of the record, who else heard
[5] or told you they heard Mr. Bonsell make those
[6] statements?

[7] A: I can't tell you because (a) the one person talked to
[8] Casey, and I don't know the name. And the other person,
[9] I don't know his name. It is one of those people I know
[10] on sight. Like hi, how are you, and you are embarrassed
[11] to ask who it is. I don't know his name.

[12] Q: Sure. That's fine. Do you have business dealings with
[13] him?

[14] A: No. I just run into him at the 74 Restaurant once in a
[15] while. But he took me aside and told me personally —
[16] and the tone of his voice indicated — I did not get the
[17] impression he was making it up, but that is just an
[18] impression.

[19] Q: That's fair enough. Can you tell me about when that
[20] took place?

[21] A: That would have been probably in December of last year,
[22] possibly January this year. Actually now that I think
[23] of it, January sounds better than December.

[24] Q: Was anyone else present during that exchange?

[25] A: No. He took me aside and told me in private.

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(1) Q: You were in the restaurant?
(2) A: Actually, we went outside.
(3) Q: It is your understanding that person attends
(4) Mr. Bonsell's church?
(5) A: That is what he told me. The other person is an employee
(6) of this District — I will leave it at that — and also
(7) attends Mr. Bonsell's church.
(8) He talked to my wife, and she reported to me. I
(9) said small world, and then I passed on that I had heard
(10) the same thing from a different source.
(11) Q: The person who took you aside at the 74 Restaurant, is
(12) it your understanding that he attends Mr. Bonsell's
(13) church?
(14) A: He told me he did. And this person who talked to my
(15) wife said the same thing; he attended the church and
(16) heard it.
(17) Q: Let's see. I think that was spoken with Angie Yingling.
(18) We have talked about Noel Wenrich.
(19) Have you spoken with Jane Cleaver?
(20) A: No.
(21) Q: How about the former faction, Larry Langione (sic), have
(22) you had any discussions with him?
(23) A: I have had discussions with Larry Snook. Larry and I
(24) used to seat beside each other, and we agreed to
(25) disagree. We were the friendliest of enemies.

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(1) I have had several discussions on the subject,
(2) what it might mean to the District with Mr. Snook. Some
(3) at Board meetings, during the recesses, some over the
(4) telephone.
(5) Q: During those conversations, what have you told Mr. Snook
(6) to the extent you can recall it?
(7) A: We generally discussed possible long term consequences
(8) to the District. We did not get into personalities by
(9) and large.
(10) Q: By long term consequences, what were you getting at,
(11) Jeff?
(12) A: I have a very strong fear that this District is going to
(13) get the kind of reputation — parents who want their
(14) kids to go to the best schools are not going to want a
(15) diploma from this District.
(16) I am deathly afraid we are going to start losing
(17) our best and brightest, and I don't think they are going
(18) to be replaced. Because I cannot imagine anyone who
(19) wants to get their kid into a better college wanting a
(20) diploma from Dover. We are now right up there with
(21) Dayton, Tennessee, heavenly Hillsborough from Inherent
(22) The Wind.
(23) I hope I am wrong, but it is my fear. That could
(24) have ramifications on property values, which is going to
(25) affect everybody in the District. It could affect us

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(1) under No Child Left Behind. If our average test scores
(2) start going down, penalties start kicking in, it starts
(3) hitting everybody in the pocketbook. So we have had
(4) several discussions on that subject.
(5) And Mr. Snook and I did not argue with each other.
(6) I will put it that way.
(7) Q: In terms again of the long term consequences as you see
(8) them, any others that you have discussed with Mr. Snook?
(9) A: Difficulty in retaining teachers, administrators, again,
(10) the effect on morale. But we didn't cite specific
(11) teachers or specify administrators. We just said it
(12) could be a real — Mr. Snook was on the Board for like
(13) 12 years. So he is pretty, you know.
(14) Q: And during those conversations, anything else in terms
(15) of long term consequences?
(16) A: Nothing comes to mind.
(17) Q: Anything else in general that you discussed with Mr. —
(18) A: We also discussed — I'm sorry. I guess this
(19) qualifies — this is actually my opinion — as a short
(20) term consequence. If we would lose the lawsuit — and
(21) believe me, I am not disparaging your firm's legal
(22) skills here —
(23) Q: No offense taken.
(24) A: — but somebody always loses the lawsuit. It is like
(25) playing baseball. You come to win; sometimes you don't.

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(1) Should we lose the lawsuit, we discussed the
(2) possible political backlash of — this is a very
(3) conservative community. You can close your ears if you
(4) want. The ACLU is not wildly popular around here. It
(5) is a four letter word.
(6) The consequences of people having to subsequently
(7) pay taxes, tax money — and my statement is all taxes
(8) are collected at gunpoint. Because if you don't pay
(9) them, sooner or later, someone with a gun will show up.
(10) Being forced to pay at gunpoint money to the ACLU
(11) would not be wildly politically popular. We discussed
(12) that as well.
(13) Q: Let me ask you: During those conversations, did
(14) Mr. Snook attribute any comments to persons who have
(15) been on the Board in the period from January of 2002 to
(16) the present?
(17) A: Attribute any what?
(18) Q: Comments. In other words, did he say during some of
(19) those conversations, yeah, and Bill Buckingham told me?
(20) A: Not that I'm aware. I don't think he and Bill were very
(21) friendly. But I mean I am just thinking of anybody.
(22) Q: Sure.
(23) A: No. He had a few opinions of certain Board members, but
(24) they were based on sitting in the audience or having
(25) worked with them. I can state for the record his

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[1] opinion of Mrs. Harkins is extremely low.

[2] Q: I understand that. It seems like there is an intense
[3] political controversy here.

[4] A: Well, it actually predated her joining the Board.

[5] Q: Okay. In terms of comments that touch on the issues in
[6] this case, the biology text or biology curriculum
[7] change.

[8] A: Okay. On that, no. I just did remember one thing he
[9] did say concerning Mrs. Harkins. This was before she
[10] was on the Board. It is amazing what you jog when you
[11] start talking.

[12] Mrs. Harkins had come before the Board prior to
[13] her election as a Board member, which you know. She
[14] wanted a property tax exemption for a piece of land that
[15] she owned. And for whatever reason, the Board did not
[16] give it to her.

[17] And she made the statement according to Mr. Snook
[18] — I wasn't on the Board then — she made the statement
[19] that she was going to run for the Board and get her
[20] revenge. This, again, is Mr. Snook's recollection. I
[21] was not present when this incident occurred.

[22] And he brought that up. And I remember saying
[23] well, she's found a novel way to do so.

[24] Q: Let me ask you: Now at some of these Board meetings,
[25] too, Mr. Snook is in the audience, and he is offering

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[1] his criticisms of the Board.

[2] Did you see those in much the same light as you
[3] saw Mrs. Callahan's comments?

[4] A: They were political, but what a world of difference in
[5] style. I am sorry, but style matters. I found this out
[6] over the years.

[7] I can get away with a lot of things because of the
[8] way I say it. And Mr. Snook has apparently learned this
[9] as well.

[10] But yes, he had — I viewed Mr. Snook as having
[11] certain political axes to grind on occasion.

[12] Q: How about Lonny Langione, have you had discussed with
[13] him?

[14] A: Not about — no. I have said hi to him a few times
[15] since then.

[16] Q: No discussion of the litigation?

[17] A: No. Nothing, no. The only one of those from that group
[18] that I have had any real conversations with have been
[19] Mr. Snook.

[20] Q: Was Mr. Langione also someone who was in the public
[21] portion of the Board meetings after he was displaced
[22] from the Board?

[23] A: Not nearly so much. He attended a few meetings, but not
[24] nearly to the extent that Mr. Snook and Mrs. Callahan
[25] did.

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[1] Q: When he did attend, did he attend in the company, or did
[2] he keep company with Barrie Callahan?

[3] A: Yes.

[4] Q: And Mr. Snook?

[5] A: I think so. I shouldn't even say that he definitely
[6] did. I didn't really look. I assume he would since
[7] they have all known each other for a long time. But to
[8] be honest, I don't really know.

[9] Q: How about the science teachers? And, again, I am just
[10] trying to — let's look at some discussions since you
[11] stepped down from the Board.

[12] Have you spoken with any of the science teachers
[13] about the biology text or biology curriculum?

[14] A: I made a comment to Bert Spahr at the one public
[15] meeting. She was sitting behind me, and somebody
[16] asked — I think I remember her response. I am trying
[17] to remember what provoked it.

[18] Somebody said something about why does the Board
[19] think you are so opposed to Intelligent Design? And I
[20] told her they apparently think I am in a huge hurry to
[21] get to hell. She thought that was humorous. That is
[22] pretty much the extent of my conversation with Bert
[23] Spahr.

[24] Q: Okay. I could see why she would be amused. What
[25] underlies that, Jeff?

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[1] A: Here we go. That is probably why we are here; isn't it?

[2] Q: Let's defer on that. You are right. Let me see, we
[3] have got this one comment that Bert Spahr heard.

[4] How about Jen Miller, have you spoken with her
[5] since you stepped down from the Board?

[6] A: To be honest, I am not sure I would know Jen. I was
[7] there when Jen Miller spoke. She doesn't - I am not
[8] sure I'd know her if I saw her.

[9] And the same goes for the other biology teacher
[10] Mr. Eshbach. Again, the names are familiar. I am sure
[11] I have seen them. I can't put faces to the names.

[12] Q: That is fine. Let me particular tick them off. There
[13] is Bob Eshbach, you said you didn't talk to him.

[14] Bob Linker?

[15] A: I can't put a face to the name.

[16] Q: How about Leslie Prall?

[17] A: No.

[18] Q: I see you have brought two pages of documents here. I
[19] take it, Jeff, that that is the documents you are
[20] providing in response to the subpoena?

[21] A: That I'm aware of. One is a newspaper clipping that
[22] just came out today. So obviously, my wife didn't have
[23] it yesterday.

[24] And the other is my own handwritten note of people
[25] I have talked to, and it is very informal. There are

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(1) some things such as blank German newspaper. I could not
(2) remember the name. Student doing term paper, I didn't
(3) bother to get her name.
(4) I have talked to a lot of people on this subject.
(5) It has been primarily on the subject of Intelligent
(6) Design, not on individuals and individual motives.
(7) Q: Sure.
(8) A: Personally, I am not a big fan of trying things in the
(9) press. I would be happy to give my opinions on
(10) Intelligent Design to anybody that wants to listen to
(11) them. But I am not really interested in talking to the
(12) press about what was or was not said at Board meetings,
(13) unless it was in public session. I consider that fair
(14) game.
(15) The stuff that was told to me in confidence, I am
(16) not comfortable speaking to the newspapers about that.
(17) Q: When you say that Jeff, are you drawing a distinction
(18) between executive sessions of the Board and public
(19) sessions?
(20) A: In a sense what is said in executive session is somewhat
(21) confidential in the sense that the Board gets into
(22) executive session for specific legal reasons. We can't
(23) just call one because we feel like it.
(24) That said, once we go in and close the doors,
(25) sometimes we immediately proceed with the subject that

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(1) was called for, and sometimes we let off some steam
(2) first.
(3) Other times, we deal with the subject and then
(4) segue into other matters that are more properly
(5) discussed in the public forum, but we have things we
(6) would like to say that we really aren't comfortable
(7) saying in the public forum, and we say them.
(8) It's just the cat is away, the newspapers are out
(9) there, we are in here, and people start talking on any
(10) and all subjects. So in a sense, they are confidential,
(11) yeah.
(12) Q: Let me just ask you: In terms of compliance with the
(13) subpoena, are there any other computer documents that
(14) you might have?
(15) A: No.
(16) MR. GILLEN: We'll take a brief break of five
(17) minutes.
(18) (A recess was taken.)
(19) AFTER RECESS
(20) BY MR. GILLEN:
(21) Q: Jeff, let me ask you a couple of questions just about
(22) any relationship you might have with people who are
(23) involved in this story.
(24) Do you have any relationship by blood or marriage
(25) to anyone you know who has been on the Dover Area School.

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(1) District Board since January, 2002?
(2) A: One is rather obvious.
(3) Q: Other than your wife.
(4) A: Not to the best of my knowledge. There is a reason for
(5) my saying that. Sooner or later, I find out I am
(6) related to just about everybody around here if we track
(7) it back far enough.
(8) Q: That is good enough. How about the administration,
(9) anything you know of, any relations by blood or
(10) marriage?
(11) A: Nothing comes to mind.
(12) Q: How about employees of this School District, any
(13) relationship by blood or marriage to any of the employees
(14) of the Dover Area School District?
(15) A: Nothing that pops into my head.
(16) Q: How about the plaintiffs, do you have any relations by
(17) blood or marriage with any of the plaintiffs in this
(18) litigation?
(19) A: That is the people suing the District?
(20) Q: Yes.
(21) A: Joel Leib — and believe me, I found this out through my
(22) grandmother, who is no longer with us and could probably
(23) answer your question a lot better than I am — I am
(24) distantly related to Joel Leib. I am not sure how, but
(25) somehow, some way we are related.

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(1) Q: Apart from that, any relations by blood or marriage to
(2) any of the other plaintiffs that you are aware of?
(3) A: No.
(4) Q: How about business dealings, do you have any business
(5) dealings?
(6) A: Mr. Stough, obviously. And Mr. Leib actually, I do his
(7) electrical work also. I did do Alan Bonsell's, but I
(8) terminated that just because he had a lot of work that
(9) would have had to be done in his house, and I was very
(10) uncomfortable with that situation. I terminated that,
(11) not him.
(12) It was based strictly on the fact that I would
(13) have been very uncomfortable being in his house for the
(14) kind of extended periods of time, and you are going up,
(15) down, up, down. You are fishing wires from the basement
(16) up to the attic. You are going through all the rooms.
(17) I just didn't want to do it.
(18) I also do Angie Yingling's electrical work. I
(19) think that's it.
(20) Q: How about any members of the Dover Area School District
(21) administration, do you do any work for them?
(22) A: No, I don't think so.
(23) Q: How about the science teachers, any relationships with
(24) them?
(25) A: No.

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[1] Q: You know why you are here, Jeff. You were on the Board.
[2] When did you first get on the Dover Area School District
[3] School Board?

[4] A: 1989.

[5] Q: What brought you out to serve on the Board?

[6] A: The horror stories my wife kept bringing home.

[7] Q: Go ahead. Elaborate. What were the concerns?

[8] A: Those were the days when the other faction was running
[9] things. We had a different Superintendent. And quite
[10] frankly, some of his actions struck me as highly
[11] suspicious. In the sense that I mean it was difficult
[12] to understand some of his actions without attributing
[13] financial chicanery.

[14] I began to suspect the man might be guilty of
[15] criminal actions. And believe me, if I could prove any
[16] of that, he would have been led away in handcuffs a long
[17] time ago.

[18] Q: So you had a concern for fiscal responsibility generally
[19] speaking?

[20] A: Right, yes. I felt that things were being done in a
[21] very high handed and suspicious manner based on what she
[22] was telling me was happening, both at the Board meetings
[23] and behind the scenes.

[24] Q: All right. Now was that an election? Were you elected
[25] to the Board?

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[1] A: Yes.

[2] Q: Or appointed?

[3] A: They would have never appointed me.

[4] Q: Were there any other issues that your wife discussed
[5] with you that led you to —

[6] A: She discussed other issues, but those were the ones that
[7] got me really — got me interested. I shouldn't even
[8] say interested. More and more, I was convinced that
[9] somebody had to do something.

[10] But my wife never, never asked me to run for the
[11] Board or even suggested that I run for the Board. She
[12] was aware that Alan Bonsell's father Don Bonsell, who
[13] was then on the Board, was twisting my arm pretty much
[14] out of the socket to get me to run.

[15] I only found out why later. Don had been her
[16] political ally while he was on the Board. He wanted to
[17] leave the Board and run for Township supervisor, which
[18] he is now a Township supervisor.

[19] My wife forced him to promise her that he would
[20] get someone to replace him, little dreaming that it
[21] would be her own husband. I suspect he was twisting
[22] other people's arms, but mine apparently twisted out of
[23] the socket easier than anybody else's, partially because
[24] I was already prepped for it by all the horror stories I
[25] had heard.

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[1] It was actually Don Bonsell more than anyone else
[2] who really convinced me that I should run for the Board.

[3] Q: When Don Bonsell urged you to run, was he also concerned
[4] with the fiscal responsibility?

[5] A: Right, yes.

[6] Q: Did you run with other people when you —

[7] A: No. I met Noel Wenrich, who was also running for the
[8] Board that time. In fact, Noel inadvertently had a lot
[9] to do with my deciding to run.

[10] I was very apprehensive about the idea of a
[11] husband/wife team on the School Board. I thought it
[12] looked a little odd. And at the time, there were five
[13] seats open. Don Bonsell was not running for his.

[14] So I am looking at it like if I run, even if
[15] people don't like the idea of a husband and wife team,
[16] they really don't have much choice.

[17] This person named Noel Wenrich, we weren't even
[18] sure if it was a man or a woman with a name like
[19] N-o-e-l. I filed, and I was like now I can run because
[20] now if people don't want a husband and wife team, they
[21] have another choice. They don't have to vote for me.

[22] I try to be considerate of voters when it is
[23] possible. I am serious. I am not making this up. That
[24] really pushed me. It was like I didn't feel like I was
[25] forcing myself on the voters at that point. It was like

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[1] if they don't want me, they don't have to vote for me.

[2] But at this point, I didn't know anything about
[3] Noel Wenrich, other than male or female, they were
[4] running for the Board, and that was good enough for me.

[5] I met him on Election Day. We had both taken off
[6] work that day and put on our suits and ties. And I made
[7] a little button. It was my total campaign expenditure.
[8] It said Jeff Brown, School Director. I made it myself
[9] so it didn't cost me anything.

[10] We met shaking hands in front of there. And we
[11] sort of — I had seen the Voter's Guide. They covered
[12] the election in the local papers because it was
[13] contested theoretically.

[14] And I felt we had some things in common. We hit
[15] it off and ended up going from polling place to polling
[16] place together. I got my mother to vote for him, and he
[17] got his mother to vote for me. It just worked out that
[18] way. So that was sort of in a round about way. But the
[19] truth of the matter is no, it was just an ad hoc thing.

[20] Q: What is the term?

[21] A: Four years.

[22] Q: A four-year term. So you served more than one term?

[23] A: Right.

[24] Q: So that means you ran again in what?

[25] A: 2003. At which point, I endorsed and was endorsed by

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[1] Bill Buckingham. We will get him out there front and
[2] center. Jane Cleaver, Noel Wenrich, and that's it.
[3] I endorsed, but was not endorsed by Heather
[4] Geesey. I campaigned for all of them. And all of them
[5] except for Heather campaigned for me.
[6] And that was another situation. We had five
[7] people running — six people running for five seats.
[8] And the reason that I endorsed Heather Geesey was purely
[9] Machiavellian. That sixth candidate was Barrie
[10] Callahan, and I figured my endorsement might be worth
[11] something. Apparently, it was.
[12] Q: I see. Was it Heather who unseated Barrie Callahan?
[13] A: Technically in the sense that the other four were on the
[14] Board. Bill Buckingham and Jane Cleaver had been
[15] appointed to fill the seats that Larry Snook and Lonny
[16] Langione resigned. They were already on the Board;
[17] although, they had never been elected.
[18] Q: Who appointed them?
[19] A: The Board, the remaining Board.
[20] Q: That would be the Board as constituted at the time that
[21] Mr. Snook —
[22] A: That would have been Casey and I, Sheila Harkins, Alan
[23] Bonsell, Angie Yingling and Barrie Callahan. And I
[24] missed somebody. Did I miss Noel Wenrich?
[25] Q: You did.

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[1] A: Okay. That is who appointed them.
[2] Q: In the 1999 election, was there any issue as you saw it
[3] that dominated that election?
[4] A: Yeah, me. Seriously. For whatever reason, nobody else
[5] wanted to talk to the press. And I didn't have a
[6] problem talking to the press. They would do an article
[7] on the Dover School Board, and this much of it was about
[8] the other five candidates, and the rest was all me. I
[9] don't know why. They wouldn't talk.
[10] I just came out swinging. I thought I am going to
[11] have fun. If I don't get elected, I am going to have
[12] fun. And then people started — the opposition started
[13] saying that this husband and wife team, this was
[14] horrible. Basically all about me in 1999. Never was
[15] again us. Just that once.
[16] Q: How about in 2003, did you have a sense there was any
[17] issue that dominated that election?
[18] A: Basically, what we were running on was what we had done
[19] so far. Four years ago, there were a total of eight
[20] candidates for four offices. The four candidates that I
[21] had endorsed — Casey was one of the four candidates —
[22] they got 70 percent of the vote.
[23] The issue then was the building project. The old
[24] Board had put together a building project that included
[25] a new auditorium. And we took the position that we did

[1] not need a new auditorium for three and a half million
[2] dollars. In this District, that is a lot of millage.
[3] We ran against their building project. We said we
[4] could do it a lot cheaper and still get the same
[5] educational results because silly me, I don't think an
[6] auditorium has that much educational value. And we were
[7] elected.
[8] And when we ran in 2003, we were essentially
[9] running on the strength of the building project we had
[10] done. But basically we said it, we said we could do, we
[11] did it, here it is.
[12] It was essentially a put them back in office,
[13] folks, they are doing a good job kind of campaign. And
[14] we had no real opposition.
[15] Barrie ran for reasons I don't understand. She
[16] had been marginalized so much on the Board by then, just
[17] basically because she didn't agree with us on most major
[18] issues. For her to run alone like that never made any
[19] sense to me. I don't know what she thought she was
[20] going to accomplish. Nobody ran with her.
[21] Q: Since you have been on the Board, Jeff, have you been on
[22] the curriculum committee?
[23] A: No.
[24] Q: If we look at your tenure on the Board in general, and
[25] then obviously there's some sense in which religion has

[1] some interplay here with these issues as seen from the
[2] perspectives of all of the participants, let's look at
[3] your tenure on the Board and look for issues that speak
[4] to religion, religion in the schools, the Pledge.
[5] Let's go through those. Tell me, first of all,
[6] sitting her today and looking back at our tenure as a
[7] Board member, did you see a number of issues come before
[8] the Board that you believe had religious dimensions?
[9] A: Yes.
[10] Q: Tell me what they were.
[11] A: You just mentioned the Pledge and Intelligent Design.
[12] Those two.
[13] Q: You know, Jeff, let me ask you: Was there any prayer in
[14] the schools issue during your tenure?
[15] A: Officially, no. In public meetings, no. In private
[16] conversations, yes. It was brought up several times.
[17] Q: I thank you for your full answer because that is what I
[18] want to learn about today. Let's look at just that
[19] general issue of prayer in the schools.
[20] You said there was no public discussion about that
[21] issue by the Board?
[22] A: No, none.
[23] Q: Apparently, there was some private conversation?
[24] A: Yes.
[25] Q: I take it it was a conversation among Board members?

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(1) A: Yes.
(2) Q: Tell me what you can recall about that.
(3) A: Okay. Heather Geesey, Alan Bonsell, Jane Cleaver, Bill
(4) Buckingham all stated with varying degrees of
(5) forcefulness and conviction that they believed taking
(6) prayer out of school was a mistake and that it had
(7) caused — they attributed an awful lot of problems to
(8) its absence that I don't necessarily agree it caused.
(9) But that is just opinion.
(10) And again, all those I mentioned I know for a fact
(11) discussed the subject. There are degrees within that.
(12) Q: Let me ask you to get a little more detail. Are you
(13) referencing statements all made at one time as part of
(14) one conversation, or were there —
(15) A: Pretty much. I think there were two separate
(16) conversations, but it was basically, yeah, pretty much
(17) people were chiming in and adding their \$0.02 worth.
(18) Q: How did it come up?
(19) A: That, I can't remember. I really cannot remember what
(20) brought it up in the first place, but I do know it took
(21) place at least twice.
(22) Q: Sure. Tell me on these two separate occasions, the
(23) first one, when was that about?
(24) A: That would have been last year during — it was after
(25) the — I shouldn't even say — the truth of the matter

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(1) is the Intelligent Design issue morphed into an
(2) Intelligent Design issue. It began as Creationism.
(3) It was somewhere after that period — you know,
(4) the first thing to come up was the Pledge of Allegiance.
(5) That came up in November of 2003. I remember it very
(6) specifically because it came up the night before
(7) election.
(8) We got our Board packets on — we have our
(9) meetings on a Monday. The Thursday before that, our
(10) Board packets are hand delivered to us so that we have
(11) time to review the materials and prepare.
(12) And I am going through my Board packet on
(13) Thursday, and here is this thing about a motion to make
(14) a statement supporting keeping the Pledge of Allegiance
(15) in the — keeping the phrase under God in the Pledge of
(16) Allegiance, which was before the Supreme Court at that
(17) time.
(18) It didn't sit right with me. For one thing, I was
(19) like why are we even doing this? I shouldn't say it
(20) came up that day. It actually came up the meeting
(21) before that. Larry Snook had suggested we do just this
(22) thing in a public meeting.
(23) The entire Board sat there like an oil painting,
(24) and it died without a comment. And I came home and said
(25) well, thank goodness, they didn't take the bait on that.

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(1) Larry is obviously up to something.
(2) I have since given him credit for driving me off
(3) the Board. I said Larry, you succeeded beyond your
(4) wildest dream. Because in a round about way, that kind
(5) of started this whole ball rolling.
(6) But when we got our Board packets for the
(7) following — that would have been the last meeting in
(8) October.
(9) Q: Okay.
(10) A: The Board packets for the first meeting in November,
(11) this issue is in there. I am like why are we even
(12) sticking our noses in this? It bothered me. I wasn't
(13) even sure why. Why are we doing what Larry Snook wants
(14) us to do anyway?
(15) All right. Here is where I have to get mawkish or
(16) maudlin or something. It bothered me, and I wasn't sure
(17) why. And I woke up that Sunday morning, and I had the
(18) phrase one nation under Allah going through my head.
(19) And I am like what?
(20) I teach Sunday school that day. This is a great
(21) thing to wake up to when you are teaching Sunday school
(22) that day. I couldn't get rid of it. I am like where is
(23) this coming from? What is this good for? What is this
(24) higher being trying to tell me? That I have been
(25) working for the wrong side all these years.

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(1) I mean it really bothered me. And that afternoon
(2) I am like you idiot. You're always telling your Sunday
(3) school class when in doubt, go to the Golden Rule.
(4) Well, would I want to stand up there and say one
(5) nation under Allah? I don't think I would. Thanks
(6) buddy. So this is where I came from.
(7) When this came up that Monday night the day before
(8) election, I stated I could not support the resolution
(9) because as I interpreted the Golden Rule, since I would
(10) not want to say one nation under Allah, I did not want
(11) to be in a position of telling other people they should
(12) have to say one nation under God.
(13) And the roof fell in because nobody heard the part
(14) about the Golden Rule, but everybody heard one nation
(15) under Allah. And Mr. Buckingham came out of his chair
(16) and made the statement that this is a nation founded by
(17) Christians for Christians of Christians, and anybody who
(18) doesn't like it can go back where they came from.
(19) And I am like Bill, Bill, that isn't — wow, could
(20) we go back here? Even the newspaper reporter missed the
(21) Golden Rule. I don't know what happened to the Golden
(22) Rule. It got eaten in the process.
(23) I got a front page above the fold on Election Day
(24) as the one nation under Allah candidate. I am amazed I
(25) won that election. Thank God it came out in the evening

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(1) paper and not the morning paper because I think it would
(2) have been Barrie would be back on the Board, and I would
(3) be a footnote in history. We wouldn't be sitting here.
(4) Q: Let's talk about that. I want to get a sense for the
(5) exchange among Board members relating to the issue of
(6) the Pledge.
(7) You recall the statement attributed to
(8) Mr. Buckingham?
(9) A: Yes, I do, very vividly.
(10) Q: I could see that. How about any of the other Board
(11) members, did they speak to that? Alan Bonsell, did he
(12) speak to the Pledge?
(13) A: I don't remember anyone off the top of my head except
(14) Mr. Buckingham. There were comments — we had
(15) discussion — because we did not vote on it that night,
(16) we were supposed to, but Casey I guess feeling
(17) protective moved that since we normally do not vote in
(18) our first meeting, that is called our planning meeting
(19)
(20) We have occasionally voted sometimes when we are
(21) under a deadline. Obviously, if we had a disciplinary
(22) hearing, we have a very short window. But normally, we
(23) don't vote on issues in that meeting. We do it the
(24) following meeting. She cited procedure and moved it
(25) back a week.

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(1) All it did was continue the Chinese water torture
(2) because I wasn't backing down. When I get a message
(3) from on high, I even talked to my minister about it.
(4) She said do you believe this is really what God — I
(5) said yeah.
(6) She said if you ask for help, and you feel you got
(7) it, you better go with it. So I took my stand of saying
(8) sorry, God. We got to take you out of the Pledge, and
(9) it is your own fault. You should have a talk with your
(10) son.
(11) I know I am being flip. I have to. I get maudlin
(12) and mawkish there for a minute. That makes me
(13) uncomfortable. So during that week, there were
(14) discussions in private with me. I know Alan was stunned
(15) by my reaction. He couldn't understand it.
(16) He tried very hard, but I will say he tried in a
(17) friendly, nonconfrontational manner to convince me to
(18) vote with the majority on this. I took it as friendly
(19) advice. I did not take it as any kind of a threat. It
(20) wasn't a threat. What he is going to do? I had just
(21) been elected, God knows how.
(22) Because I will say this: One of my former
(23) classmates told me afterwards, he said, I don't think
(24) that helped you. He said my wife came home from work,
(25) and I said did you vote today? And she said oh, I

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(1) forgot. I am tired. I don't think I am going to.
(2) She started to read the paper and said is this
(3) that guy you went to school with? Yeah. I am going to
(4) vote. I don't think she voted for you.
(5) Q: Let me ask you: You have got the Pledge. You make this
(6) statement of your convictions in the public meeting. It
(7) attracts notice?
(8) A: It attracted notice. It went over a hundred people at
(9) the next meeting, and they were out for my blood because
(10) the paper had reported it.
(11) Q: That is okay. What I want to track down is the private
(12) discussions you had with the Board members first. I do
(13) want to talk about the meeting.
(14) What did Alan say when he came to you?
(15) A: He did not understand my objection.
(16) Q: In the sense of?
(17) A: He just literally I guess just didn't see it, couldn't
(18) get it. To him, it was simply a matter of — as he
(19) interpreted it, this is something that should be in the
(20) Pledge of Allegiance. He did not elaborate.
(21) Q: And —
(22) A: I didn't ask him either. At that point, I was just
(23) wishing it would go away.
(24) Q: How about Sheila Harkins, did she talk to you about the
(25) issue?

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(1) A: Yes. Sheila called because Sheila also voted — Sheila
(2) and I abstained on that vote. She called me beforehand
(3) and talked about her problems with it, that she felt it
(4) was intrusive, that it really wasn't any of our
(5) business.
(6) And I said well, I plan to just simply abstain.
(7) And she said yeah, I think that sounds good to me. What
(8) is Casey going to do? I said I am not sure. She is
(9) preparing a statement to read. I assume she is going to
(10) abstain, but I don't know.
(11) As it turned out, Casey voted for it and regrets
(12) it forever. But Sheila and I abstained on that. We did
(13) have a discussion on that. We didn't get into — we
(14) basically viewed it as a moral issue. We didn't really
(15) discuss religion all that much other than the fact that
(16) I reiterated my Golden Rule. I saw it as the Golden
(17) Rule.
(18) Q: Let me just make sure I am understanding you, Jeff. Was
(19) it your sense that putting it in there might be
(20) offensive to persons who didn't agree with it?
(21) A: I could see how it could be. As I said, if it said one
(22) nation under Allah, that might have bothered me. I
(23) don't know. I could see how it could. That was good
(24) enough for me.
(25) Anyway, we were only — the newspaper reported it

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[1] as though we were going to take a vote on whether we
[2] were going to leave it in this school. It turns out in
[3] the state of Pennsylvania, you cannot. It is the law.
[4] It must be in there. It is beyond the purview of a
[5] Board to put it in or take it out.
[6] Can't touch the Pledge of Allegiance in
[7] Pennsylvania. I don't know why. I do know why,
[8] politics. Same reason I didn't get that lady's vote.
[9] They do.
[10] But that is how it was played up in the paper.
[11] Q: Okay.
[12] A: And we had a full house that night.
[13] Q: How about Bill Buckingham, did he have any private
[14] conversations with you after this — you have got an
[15] exchange here?
[16] A: We discussed it afterwards where I reiterated what I had
[17] actually said as opposed to what I assumed he had heard.
[18] He didn't have much comment. He just sort of gave me
[19] this look like I don't know what — I am not going to
[20] speculate what the look might have been.
[21] It didn't look very favorable. We didn't have a
[22] lot of discussion on it.
[23] Q: How about Noel, did you have any private conversations
[24] with him?
[25] A: Noel was the Board President at that time. I even said

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[1] to Noel, I said look, this is what we could do. We go
[2] to take the vote. I can excuse myself, leave the room,
[3] and that way the vote will be unanimous.
[4] He said I don't care if it is unanimous. I am not
[5] going to report that one way or the other. I said fine,
[6] I am abstaining. That was pretty much my conversation
[7] with Noel on the subject.
[8] Q: Let me ask you: When these people came to you, Jeff,
[9] did you see them as trying to address the controversy
[10] that had sort of erupted, or did they see you as being
[11] in a difficult predicament?
[12] A: No. It was more personal than that. I felt they were
[13] seriously concerned for the state of my soul. To be
[14] honest with you, that is how I took it.
[15] Q: Really?
[16] A: We were friends then. Bill and I were still — he had
[17] blown up, but this was the beginning of the end of that.
[18] But it was a long beginning. It took a while until Bill
[19] stopped basically talking to me.
[20] Alan and I really haven't stopped for all — I
[21] have already reiterated things I have heard. But it is
[22] like I do believe half of what I see and none of what I
[23] hear. So I will give him the benefit of the doubt. I
[24] didn't hear him say it.
[25] Q: That is what I am trying to get a sense for. You have

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[1] people you told me you are friends with coming to you
[2] and trying to get a better understanding of your
[3] position. Is that fair?
[4] A: Yes.
[5] Q: And then Noel is trying to figure out how to address it
[6] at the next meeting of the Board?
[7] A: Right.
[8] Q: So tell me about that next meeting. What was the —
[9] A: Okay. We had a lot of people there. And they were
[10] basically out for my blood because, you know, I was the
[11] guy putting under Allah in. I don't know how they were
[12] interpreting it.
[13] At any rate, I had felt — okay. We had an
[14] executive session beforehand. And we were like — they
[15] quite often go past deadline. But that night, we were
[16] like let's get this thing done here. We have got a
[17] hungry crowd out there. The lions are getting hungry.
[18] I used that phrase. That was me.
[19] The last thing I said — and Bill had also taken
[20] flack for his statement. He and I had taken flack from
[21] different segments, but we had both taken flack.
[22] And the last thing I said to Bill before we walked
[23] out was — there were TV crews there. And he said he
[24] had prepared a statement to read. He told us that in
[25] executive session.

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[1] The last thing I said to him was Bill, don't feed
[2] the monster. Well, he fed the monster. He read a
[3] prepared statement in which he reiterated his statements
[4] from the week before. And they ran on the local news.
[5] And me, I sat there like a mouse. I already said
[6] my piece. I am not feeding the monster. I am not
[7] interested in melodrama here.
[8] The only thing I said in that meeting at one
[9] point, some woman got up and was pretty much addressing
[10] me directly for wanting to vote to take under God out of
[11] the Pledge. And I told her we are not doing that. And
[12] I referred her to Noel, the Board President, and left
[13] him explain what we were actually doing. That was my
[14] total involvement from that point on.
[15] Q: Let me ask you about that. If you go back to the
[16] statement you originally made, which you have given here
[17] at length, how was that statement reported?
[18] A: It was reported without any reference to the Golden
[19] Rule.
[20] Q: It just appeared as one nation under Allah? What was it
[21] that —
[22] A: No. She didn't get that — as it reported — basically,
[23] I had no quarrel with the article in the paper at all.
[24] In fact to be honest with you, she took two different
[25] sections. There was a section up here, an altercation

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(1) with Mr. Buckingham and a section down here, she
(2) combined them into one paragraph and really caught the
(3) gist of it.
(4) For whatever reason, she deleted all reference to
(5) the Golden Rule. I never did figure that one out
(6) because to me, that was the crux of the matter. Other
(7) than that, she actually made me sound more coherent than
(8) I probably was.
(9) Because at this point, I was pretty rattled. Bill
(10) had really blown me away. He is a former Police
(11) Officer. The first thing I thought was you are a former
(12) Police Officer. You ought to know better than to say go
(13) back where you came from. That is a loaded statement.
(14) I was looking at it from that. I wasn't
(15) interested in the religious ramifications at that point.
(16) I was looking at it from PR. This is the guy I just
(17) endorsed in the election.
(18) Q: That is what I am trying to get. We have a public
(19) meeting where you say the people are out for your blood,
(20) and I am trying to understand.
(21) A: They had understood that I was all for voting to take
(22) under God out of the Pledge of Allegiance that their
(23) kids would say everyday. And as best I could, I wanted
(24) to reassure them that is not what we were doing. And
(25) Noel gave more detail.

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(1) Q: If you describe the public during that meeting, the
(2) atmosphere, were a lot of public comments offered on the
(3) resolution as it was understood?
(4) A: Yes.
(5) Q: By the public?
(6) A: Yes.
(7) Q: And what was the thrust of those comments, Jeff?
(8) A: They were agreeing with Mr. Buckingham. This is a
(9) Christian nation. Christians are in the majority. They
(10) should have — these are to the best of my recollection
(11) direct quotes from various members of the audience, not
(12) the Board.
(13) This is a Christian nation. We have majority rule
(14) in this country. Things of that nature.
(15) Q: How about Mr. Buckingham when he had taken some slack?
(16) A: He read a prepared statement in which he reiterated that
(17) he had indeed said these things, and he stood behind
(18) them. He was not apologizing for them. He reiterated
(19) that he had said this is a Christian nation, and he
(20) reiterated those who don't like it, can go back where
(21) they came from.
(22) This was taped on TV. And it ran on the evening
(23) news that night.
(24) Q: Do you recall Mr. Buckingham making reference to the
(25) separation of church and state?

(1) A: Yes. It didn't run on the evening news, but he had said
(2) then — I cannot say for certainty that he said it in
(3) his prepared statement, but he had said it the preceding
(4) meeting because I think Sheila Harkins jumped him about
(5) that, about separation of church and state.
(6) He said that the separation of church and state —
(7) I can't say if he said in his opinion — is a myth. I
(8) don't know if he said in my opinion in there or not.
(9) Q: How about do you recall in these meetings dealing with
(10) the Pledge Mr. Buckingham making any statement about
(11) Christ dying on the cross?
(12) A: No. That came later.
(13) Q: All right. Well, in terms of public comment by other
(14) Board members about the Pledge resolution, can you
(15) recall Noel Wenrich speaking to the resolution during
(16) this meeting, the second meeting on the issue?
(17) A: Obviously, he answered that woman's question that I had
(18) dumped in his lap, but I figured hey, they are not going
(19) to believe me anyway. Get this from the Board
(20) President.
(21) I believe he did, but I have no idea what it was.
(22) Q: I mean I understand —
(23) A: I'm sorry.
(24) Q: I want to get what you recall. How about Sheila
(25) Harkins?

(1) A: Sheila addressed it at both meetings.
(2) Q: Tell me —
(3) A: The second meeting — because I had told her I am done
(4) talking about it. I said I made my statement. I am
(5) going to abstain.
(6) And she kind of agreed in principle. But that
(7) said, at the meeting, she did make some statements.
(8) They were not supportive of keeping it in the Pledge,
(9) but I can't be more specific than that.
(10) Q: How about who else was on there? Angie Yingling, did
(11) she speak to the issue?
(12) A: She may have. Again, to be honest, yeah, nothing is
(13) coming back. Casey, of course, read a statement.
(14) Q: Right.
(15) A: I think she gave you that statement.
(16) Q: She did.
(17) A: That is better.
(18) Q: Barrie Callahan would still be on there; right?
(19) A: Yes, she was still on there. I don't think she
(20) addressed the issue at all. She did vote for the
(21) resolution, but I don't think she said anything one way
(22) or the other.
(23) Q: How about Alan Bonsell, do you recall him speaking to
(24) the issue?
(25) A: It seems as though he probably did, but nothing very

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[1] confrontational. Alan is not a particularly
[2] confrontational person. No.
[3] I can't recall anything specific. Although, I do
[4] think he probably did, but I am pretty sure Barrie
[5] didn't. And I know Sheila did. And, of course, I know
[6] Bill and Casey and I did. But they are the only ones.
[7] I am vague, fuzzy on that.
[8] Q: You mentioned your wife. Did she speak to the issue
[9] apart from her prepared statement?
[10] A: Well, she answered a member of the audience who impuned
[11] her patriotism. That is not a good move. As I said,
[12] her grandfather was an Earl. They can trace her family
[13] back to 1066.
[14] I am going to tell you something about William the
[15] Conqueror, when he picked a noble, he picked somebody
[16] for the ability to cut heads off and sleep like a baby
[17] that night. And blood does seem to tell true I will
[18] tell you.
[19] She is not somebody to impune. You don't do that
[20] to her. She backed him down.
[21] Q: And just give me — I can see that having deposed your
[22] wife, a formidable woman. Give me the thrust of her
[23] response to this man who insulted her patriotism?
[24] A: My family has searched in every war this country has
[25] fought since the French and Indian War. I, myself, have

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[1] served in the military. My father retired as — what
[2] the heck — a General. It wasn't Lieutenant. I forget
[3] what it was. He retired as a General U.S. Army. He
[4] started as a Buck Private in 1939.
[5] Do not stand there and impune the patriotism of me
[6] and my family. He sat down.
[7] Q: Good enough. You told me also that somehow connected in
[8] your mind with the Pledge issue, there were these
[9] discussions relating to prayer in the schools. Wait.
[10] Let me stop there.
[11] Executive session comments beforehand, can you
[12] recall any comments among Board members relating to the
[13] upcoming vote on this issue of the Pledge?
[14] A: Other than Alan, I believe that is when it was that Alan
[15] encouraged me to vote, to change my mind. And he wasn't
[16] threatening. He wasn't threatening. He seemed
[17] concerned. He frankly admitted he did not understand my
[18] position.
[19] Q: Concerned do you think with the way you were going to be
[20] perceived, your vote would be understood?
[21] A: Partially. As I said, I felt he was genuinely concerned
[22] for me and my spiritual well-being.
[23] Q: And why do you say that, Jeff? You had this sense —
[24] A: His tone of voice.
[25] Q: And by that, what do you mean that it was —

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[1] A: It was solicitous. It was concerned. It was friendly.
[2] Q: So you thought he had your best interests at heart?
[3] A: Yes, I did as he understood them, yes.
[4] Q: Sure. All right. Now it seems that this Pledge issue
[5] then engendered some discussion about prayer in the
[6] schools and so on. Or did I misunderstand your
[7] testimony?
[8] A: Yeah, you did. When I said that came later, I meant
[9] months later that comment died on the cross. I will not
[10] say the audience never brought up the subject. They
[11] very well could have.
[12] It was the kind of audience that I am sure it was
[13] there. But there was no discussion by the Board. As I
[14] said there has never been any public discussion by the
[15] Board on prayer in schools.
[16] Q: Let's look at the private discussions that you have
[17] recalled. Tell me about them. When did they come up?
[18] A: Last summer after the thing began to surface with — it
[19] all started with the laced with Darwinism back in May of
[20] last year. I am not even sure of the month.
[21] Q: So the summer of 2004?
[22] A: Yeah. There were two different discussions concerning
[23] prayer in school. And as I said, it was Jane Cleaver,
[24] Alan Bonsell, Heather Geesey, Bill Buckingham that I can
[25] recall. All stated to greater or lesser degree that

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[1] they felt it was a mistake. They didn't approve of it.
[2] Again, when you lump that many people together, I
[3] probably shouldn't, but the problem is I can't remember
[4] too many specific quotes by too many specific people.
[5] It was just a general sense of — I guess that is not
[6] very helpful unfortunately.
[7] Q: That is fair enough. Anyone asked to recall
[8] conversations that took place a year ago is going to
[9] have some difficulty. But I do need to get a sense for
[10] what you can recall.
[11] A: They were definitely not in favor of it. None of them
[12] were in favor of it. And at least some of them, if not
[13] all, wanted to see it undone.
[14] There was no specific discussion of any Board
[15] strategy to do anything about it. But that said, there
[16] was — I am probably remembering it as a group because
[17] it is one of those situations where people make a
[18] statement, and the other people standing there sort of
[19] nod and agree. They don't necessarily say anything, but
[20] you get the sense that they are in general agreement.
[21] And there was definitely general agreement that it
[22] should be — it should never have happened, and it
[23] should be undone. But there was no discussion on
[24] specific methods to undo it.
[25] Q: Can you recall what spurred —

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(1) A: No, I can't. It probably segued out of the Intelligent
(2) Design, or at that point, it may have been the
(3) Creationism discussion. Because when this first came
(4) up, it was Creationism and not Intelligent Design.
(5) Creationism morphed into Intelligent Design later
(6) on.

(7) Q: Let me take a break for a second.

(8) A: I will be glad. How about more than a second?

(9) (A recess was taken.)

(10) AFTER RECESS

(11) BY MR. GILLEN:

(12) Q: Let's get back to the discussion of prayer in the
(13) schools, Jeff. You recall two discussions. For the
(14) purposes — it seems based on your recollection, you
(15) have grouped Jane Cleaver, Alan Bonsell, Heather Geesey
(16) and Bill Buckingham together on this issue?

(17) A: On this issue.

(18) Q: We got summer of 2004 as the temporal time?

(19) A: Yeah. Somewhere after the laced with Darwinism speech.

(20) Q: Let me ask you in terms of temporal proximity to Board
(21) meetings, were they discussions had in connection with
(22) Board meetings?

(23) A: They were in executive session. It obviously had to do
(24) with other things because I am not aware — they just
(25) evolved. They just came out of the general gab fest

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(1) that executive sessions frequently turn into.

(2) Sometimes you feel like you are under a lot of
(3) pressure and just let off steam in there.

(4) Q: And do you have a sense for what led the discussion in
(5) that direction?

(6) A: My sense is that it grew naturally out of the discussion
(7) on Intelligent Design because there was a great deal of
(8) religious — it was seen as a — the Intelligent Design
(9) issue was seen as a religious issue by several Board
(10) members, most emphatically Mr. Buckingham, but also to a
(11) lesser degree all of the other ones I just named.

(12) None of them ever made the statement that it was
(13) strictly a scientific issue. Quite the reverse. It was
(14) in their minds. Now I will say this: They were very
(15) much of the opinion — and I think all of them are, and
(16) I don't think I am exaggerating at all. All the
(17) individuals I just named I believe are convinced that
(18) Darwin's Theory of Evolution is essentially a hoax. It
(19) is perpetrated for reasons, I am not quite sure what the
(20) reasons are.

(21) But at any rate, their feeling is, they have made
(22) statements — and I can't say all of them have, but I
(23) have heard statements made by some of the Board members,
(24) Alan Bonsell in particular comes to mind, that
(25) scientists know there isn't much — that the evidence

(1) for evolution is spotty or suspect, but they suppress
(2) it. They suppress the nature of it being spotty, which
(3) to me that is your classic hoax. When you suppressing
(4) evidence. I don't think any of them ever used the word
(5) hoax. That is my term.

(6) But they do believe that the scientific community
(7) is perpetrating this for reasons that I quite frankly
(8) don't understand. But I think they do sincerely believe
(9) that.

(10) Q: You have referenced a comment by Alan Bonsell about
(11) Evolutionary Theory about the evidence being spotty or
(12) suspect?

(13) A: The gist of that conversation — and I am paraphrasing I
(14) know — was that they know there is not any real
(15) evidence for it, but if anybody tries to point it out,
(16) they suppress it.

(17) Q: And they means?

(18) A: The scientific community as a whole.

(19) Q: Apart from that comment, do you recall Alan Bonsell
(20) making any other comments directed specifically to the
(21) merits of Evolutionary Theory?

(22) A: Yes. In public comment, he was skeptical. But it fell
(23) within the purview of what I would consider reasonable
(24) questions, gaps in the fossil record, etcetera.

(25) Just to be utterly fair about it, Noel Wenrich,

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(1) who ended up not voting for the Intelligent Design, was
(2) also a vocal critic, and continues to be — because I
(3) saw him last night — a vocal critic of Evolution.

(4) Noel I happen to know for a fact believes the
(5) earth was created in six 24 hour days about 6,000 years
(6) ago. He believes that. You will have to get his reason
(7) in his deposition why he did not vote for the issue.

(8) So it didn't exactly split along strictly lines
(9) based on people's personal religious beliefs, but for a
(10) number of the Board members, their personal religious
(11) beliefs had a great deal to do with it. And they made
(12) that clear in executive sessions.

(13) Q: Let's look at that while we are at it. What other
(14) statements are leading you to that conviction, Jeff,
(15) that Alan Bonsell —

(16) A: I don't want to nail Alan too hard because the truth is
(17) Alan was probably the most reasonable of that group.
(18) And what I mean by reasonable, I guess I should explain
(19) that. He was the least confrontational. He was the
(20) most accepting of other people's rights to feel
(21) otherwise.

(22) But I never for one second believed that there was
(23) any doubt in his mind that evolution is a hoax, that —
(24) I better not even choose the phrase getting God back
(25) into the school. The phrase that Alan used most

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[1] consistently was doing the right thing.
[2] Now it was quite often used in direct conjunction
[3] with a statement by another Board member of getting God
[4] back into the schools, but I don't recall Alan ever
[5] using that phrase. The phrase that he most commonly
[6] used was doing the right thing, doing what is right.
[7] But he would use that as a form of agreement with
[8] someone who had said we need to get God back into the
[9] schools again. So I don't want to come down too hard on
[10] Alan because Alan was actually the more — I don't know
[11] if the word is cautious or less confrontational about
[12] it. He was in agreement, but he was a little more
[13] guarded in his speech.
[14] Q: Okay. And this is what I am trying to get a sense for,
[15] Jeff. And maybe the way to do this is try to isolate
[16] it.
[17] You have a sense that certain people see the
[18] Intelligent Design issue as connected to getting God
[19] back into the school.
[20] A: I believe it is all part of a piece to them, yes.
[21] Q: I want to get the basis for your belief. And so far,
[22] you have told me that you see Alan is making statements
[23] about the evidence of Evolution is spotty and suspect,
[24] the scientific community is perpetrating a hoax?
[25] A: I am sorry, the perpetrating a hoax is my phrase.

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[1] Suppressing contrary information is more what he said.
[2] Q: Sure. And you indicated he mentioned some specific
[3] complaints such as gaps in the fossil record?
[4] A: Right.
[5] Q: Now let's stay with Alan and tell me what else you can
[6] recall him saying about Evolutionary Theory.
[7] A: Evolutionary Theory, that does pretty well cover it.
[8] Q: Those were his themes on that issue?
[9] A: Right. Alan has never made any secret that he believed
[10] God created the earth. That is not to me any problem at
[11] all.
[12] A Board member or public figure has every right to
[13] any private beliefs they want. I have never had a
[14] problem with that. I have never felt — it is only when
[15] we cross into the public sector, that I think is when we
[16] have got to watch ourselves. Especially, I am most
[17] concerned about things that are my own personal belief.
[18] They don't belong — you know.
[19] He has made numerous, numerous statements over the
[20] years that indicates he believes certain things so on
[21] and so forth. I don't consider them really germane to
[22] be honest with you. They form a background in one
[23] sense. But I guess I am really — at least maybe I am
[24] wrong here, but what I am seeing is what we are
[25] looking for are things that directly relate to public

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[1] action involving the taxpayers of the District,
[2] etcetera.
[3] I am not coming up with anything at the moment —
[4] I am sorry — on Evolution per se, other than he was
[5] skeptical of it — skeptical may be too mild a term. He
[6] quite frankly doesn't believe it.
[7] He honestly believes that Evolution could not
[8] possibly have happened because it contradicts Genesis.
[9] That is it in a nutshell.
[10] Q: What I am trying to get at in a nutshell is the second
[11] part of your answer which is because it contradicts
[12] Genesis.
[13] What I am asking is: Do you recall any statements
[14] he made that made that link explicit? Because what I
[15] hear is there's some discussion of religion and prayer
[16] in the schools. There's some discussion of Evolutionary
[17] Theory. There's some discussion of Intelligent Design.
[18] A: Yes.
[19] Q: And I think there is an inference here that they are all
[20] connected.
[21] A: Yes. In my mind, they certainly are.
[22] Q: What I am trying to get at is why. You have
[23] acknowledged someone like Noel has the same beliefs
[24] as —
[25] A: Yes.

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[1] Q: — Alan, but voted the other way?
[2] A: Right.
[3] Q: So what I am trying to get at is Alan's has ventured
[4] some criticisms of Evolutionary Theory?
[5] A: And so did Noel.
[6] Q: Let's look at why. Is there anything that Alan said
[7] that made you think his criticism of Evolutionary Theory
[8] or his support for Intelligent Design, at least getting
[9] that mentioned in the classroom, was anything other than
[10] what he says it is, two scientific theories?
[11] A: I would have to say no. Because the fact of the matter
[12] is Alan — when Bill — I am sure that was covered
[13] yesterday. When Bill attempted to hold the biology
[14] books hostage to get Of Pandas, Alan stood with Noel,
[15] Casey and I and got the four/four split that kept the
[16] thing alive until Angie changed her mind, and we got the
[17] books.
[18] And I viewed Alan — to be honest with you, the
[19] first indication that I got that Alan was now siding
[20] with Bill on this issue, I mean in the public arena, I
[21] knew he was sympathetic to Bill's views. I also knew
[22] that Noel was sympathetic to Bill's views.
[23] But my first indication in the public area was the
[24] night of October 18th when Alan consistently voted with
[25] that block. Up until that time, he had separated

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[1] himself. And I don't know why that happened. There was
[2] no actual statement by Alan that I heard. I can't help
[3] you there. I'm sorry. Maybe that is helping you. I
[4] don't know.
[5] Q: I just want to try and get to the basis —
[6] A: That is why I said in some ways, you have been focusing
[7] on Alan. And in a lot of ways, Alan is the least
[8] because he did seem — I am using, of course, my version
[9] of things. To me, he seemed reasonable.
[10] I would use that term for Noel. Knowing Noel's
[11] personal beliefs, to me, it seemed reasonable that Noel
[12] would put aside his personal beliefs and act in what I
[13] consider more the community's behalf. But that is, of
[14] course, my version of events.
[15] He did make a switch, but I don't know when it
[16] happened or why. I know it happened by October 18th,
[17] but I don't know why.
[18] Q: And when you said he made a switch, what are you getting
[19] at, Jeff?
[20] A: He went with the inclusion of the Intelligent Design in
[21] the curriculum, which was not recommended by the
[22] administration. And prior to that, Alan had — I am not
[23] saying this was his reason why, but it was the first
[24] time I ever saw Alan buck the administration.
[25] Bill and his group of voters bucked the

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[1] administration on the attempt to buy the book Of Pandas
[2] and People book with taxpayer money, but Alan did not.
[3] So the first time I saw Alan — and it is not a
[4] crime. A School Board member has the right to vote
[5] against the administration. It is just that this was
[6] the first time I had seen Alan do it.
[7] Q: Okay.
[8] A: And again, I am only surmising based on, like I said,
[9] assorted comment that he was disposed to see it that
[10] way. But Noel was also disposed to see it that way.
[11] For reasons I cannot give you, one went one way, and one
[12] went the other. I don't know why.
[13] Q: Okay. And that is what I am trying to get at, Jeff. I
[14] mean you seem to have a sense that Alan's — I know we
[15] will get to the others, believe me — that Alan's
[16] questioning of Evolutionary Theory and his support for
[17] Intelligent Design Theory were based on the consistency
[18] of — based on their relative consistency or
[19] inconsistency of each theory with his religious
[20] convictions.
[21] And I am looking for —
[22] A: A smoking gun? I don't have one.
[23] Q: Because as you know, Evolution is the text the teachers
[24] wanted to purchased. Evolution is what is taught in the
[25] classroom. So I am trying to find out, if you recall,

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[1] any specific statements on the part of Alan Bonsell that
[2] explicitly linked his criticism of Evolutionary Theory
[3] to his belief in whatever the Bible said as he
[4] interprets it.
[5] A: I remember one night Bill used the word Creationism in a
[6] public meeting, and Alan suggested he use the phrase
[7] Intelligent Design instead. I don't know what that
[8] proves. I just know that he did it because Bill was
[9] still using the phrase Creationism then.
[10] Q: And that was after the public meeting?
[11] A: That was at a public meeting.
[12] Q: Let's take a break and get some food.
[13] (A recess was taken.)
[14] AFTER RECESS
[15] BY MR. GILLEN:
[16] Q: All right. I thought about some of the questions I
[17] asked you before the deposition.
[18] A: I have been thinking about some of the questions you
[19] asked. I can't come up with anything. It was just a
[20] general impression. It was sort of the atmosphere, but
[21] no, nothing specific, not that would help in a court of
[22] law I am afraid. That is my opinion.
[23] Q: Let's approach the story sort of chronologically, and
[24] let me ask you: You have seen this issue relating to
[25] the biology text and curriculum.

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[1] When did the issues that have been implicated in
[2] that dispute over the biology text and biology
[3] curriculum first come to your attention as a Board
[4] member?
[5] A: Almost from the beginning of our taking up with the
[6] Board. There was mention, there was discussion — and
[7] again, this would go back to Alan Bonsell, but I don't
[8] have any smoking guns on Alan.
[9] He made it known very early that he was not happy
[10] with Darwin's Theory, that he didn't believe in it, and
[11] he didn't — that's why he wanted to be on the
[12] curriculum committee. He did state his reason was that
[13] he was concerned that Darwin's Theory would undermine
[14] children's faith in God.
[15] And I don't even know that he used the term God as
[16] much as it would undermine their religious beliefs. And
[17] I could understand that. I was supportive from the
[18] standpoint I did not believe it was the School
[19] District's place to make such statements as well, life
[20] evolved from a bunch of chemicals interacting. It was
[21] strictly random chance. It was strictly — it is all an
[22] accident. There is no greater purpose. Nothing is
[23] greater than the sum of its parts.
[24] Because (a) I don't believe that, and (b) you
[25] can't prove it. And when I first heard the term

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[1] Intelligent Design, I viewed it as an alternative to the
[2] idea that it is all random chance. And I was supportive
[3] of that. Not in any formal Board actions, but in our
[4] informal gab sessions, I agreed that if we are going to
[5] tell kids, hey, it could have happened just by pure
[6] random chance, then we have to state that it is also
[7] possible there is some greater plan at work here.

[8] I did not want to get specific because quite
[9] frankly, I don't know. I wasn't around. But I felt we
[10] were on solid ground there for the simple reason that
[11] throughout history, lots of people have thought there's
[12] some form of an Intelligent Designer. I don't care what
[13] religion you are talking about. Any religion
[14] presupposes some sort of intelligent.

[15] That is a historical fact. It has ever been thus.
[16] So I was not opposed to the phrase. I viewed the phrase
[17] Intelligent Design as a valid philosophical
[18] counterpoint.

[19] Q: Let me stop you there, Jeff. Did you understand Alan
[20] Bonsell to be talking about what he had read about
[21] Intelligent Design Theory?

[22] A: He did not go into any details. He used the phrase, and
[23] I had read it somewhere. I didn't have a problem with
[24] it because I had formed my own interpretation. I felt
[25] we are on safe legal ground here anyway.

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[1] But it turned out, we were not in any way, shape
[2] or form addressing the origins of life in our curriculum
[3] at all.

[4] Q: Let me take it with you because I think I know how the
[5] story is going to unfold.

[6] This statement that you are attributing to Alan,
[7] about when?

[8] A: Almost immediately after we came on the Board.

[9] Q: Did he start out was one of his first positions when he
[10] first got onto the Board on the curriculum committee?

[11] A: Yes, he was on the curriculum committee. He was
[12] appointed to the curriculum committee immediately. And
[13] I think he was the head. I am not sure. But I think he
[14] was the head of the curriculum committee.

[15] Q: Now tell me, you were going to go on. Tell me what
[16] happened next in terms of this issue then working itself
[17] out.

[18] A: We had informal discussions on his concerns. And I
[19] agreed with his concerns. Because as I said, if you are
[20] going to stand there and tell kids in the sense that it
[21] is a fact — and here, I will quote Noel Wenrich from
[22] one of his statements that he made in a later context —
[23] when you only teach one side, it might as well be a
[24] fact.

[25] And I agreed that if we were going to — and this

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[1] was all very informal. We weren't talking about any
[2] actual Board action. But I agreed in principle that if
[3] we are going to tell kids that life could have possibly
[4] evolved from total random chance, then I felt we were on
[5] safe legal ground to say there are other opinions that
[6] we have evolved through some form of Intelligent Design.
[7] I viewed it as a very broad statement that would
[8] include all religions without getting specific.

[9] Q: Let me ask you there, Jeff, you say include all
[10] religions. On the one hand, we are talking about
[11] Evolutionary Theory and Intelligent Design Theory. And
[12] you're seeing as a philosophical —

[13] A: Basically, going as far as what I just said and no
[14] further. No science attached to it at all. Just simply
[15] a statement of how life could have begun.

[16] And to be honest, I can't imagine a third possible
[17] theory. If you are going to use Intelligent Design as
[18] broadly as I was interpreting it then, I don't know if
[19] there is a third way.

[20] Q: Was anything concretely discussed as a specific step?

[21] A: No, nothing concrete. I knew it was a concern of
[22] Alan's. I shared the concern from the standpoint I did
[23] not want us to be undermining kid's religious faith by
[24] telling them something that, quite frankly, nobody can
[25] prove.

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[1] I mean I know there are people in this world who
[2] believe it all happened by accident. They don't have a
[3] shred of proof. And to me, that is separate from the
[4] whole concept of Evolution.

[5] Evolution could be a form of Intelligent Design.
[6] In my opinion, it is, but that is just my opinion. At
[7] least, I never saw a conflict between the two.

[8] And initially, that was as far as it went, and
[9] there was no real discussion on Evolution per se. Just
[10] that particular — I shouldn't even say attribute of

[11] Evolution because I am not even sure it was part of
[12] Darwin's Theory that it absolutely had to happen through
[13] random chance. It is more that it could have.

[14] I will grant it. Yes, it could have. I don't
[15] have any proof that there is a God. If I did, I
[16] wouldn't have to be an electrician; would I?

[17] Q: So what happened next?

[18] A: It was in the background for a long time. It did not
[19] show up on my radar screen. Now Alan became the Board
[20] President and therefore had to turn the chair of the
[21] curriculum committee over to someone. And he chose Bill
[22] Buckingham. Why? I couldn't tell you. It never
[23] crossed my mind to ask, but he did.

[24] And at that point — that would have been in
[25] December of 2003 when Alan became the President. And I

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[1] think the committee assignments are usually made in
[2] January. January of 2003, Bill Buckingham probably
[3] became the chair of the curriculum committee.
[4] There was at that point in time the book Biology
[5] was up for review. We were supposed to buy new biology
[6] books that year. Barrie Callahan had been on the
[7] curriculum committee. By this time, she was off the
[8] Board.
[9] But she began asking questions at various meetings
[10] about the progress of the biology book, you know, what
[11] is being decided. I don't know if she was getting any
[12] information — I don't know why she singled out the
[13] biology book.
[14] It is possible she was getting information from
[15] teachers that there was foot dragging on this issue. I
[16] don't know. I have no — I don't communicate with
[17] Barrie.
[18] Q: Do you per chance remember Barrie Callahan saying
[19] anything about her daughter not having a book?
[20] A: Yes, she did state that.
[21] Q: Go ahead.
[22] A: But what that had to do with the progress — because
[23] nobody was going to get a book until — she wasn't
[24] scheduled to get a new book until the following
[25] September, anyway.

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[1] For whatever reason, Barrie focused on the
[2] biology. There were a couple others. Home Ec. books
[3] were up for review, too. I don't remember her making
[4] much of an issue out of this.
[5] She really drilled hard on the biology. When I
[6] say drilled hard, Barrie can be really obnoxious
[7] sometimes. She was apparently good at that.
[8] Q: About when did this start with Barrie bringing up the
[9] questions?
[10] A: She had — well, basically once she got off the Board.
[11] Because for one thing, up until that point, she could
[12] bring it up to us as a Board member. Now she had to do
[13] it from the floor.
[14] Q: Did she bring it up as a Board member?
[15] A: She did, but she was on the curriculum committee and
[16] therefore in the loop. And maybe for all — I don't
[17] know. I don't know what was going on in that curriculum
[18] committee that caused her to focus on it. Maybe that —
[19] I don't know.
[20] At any rate, all I do know is that she began early
[21] in 2004 to really — to ask really pointed questions
[22] about the progress of this biology book.
[23] On one occasion, I remember Mr. Buckingham simply
[24] said the book is currently under review, and that was
[25] the end of it. Would he have continued in that vein?

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[1] Q: Let me ask you: I know there is an ordinary sort of
[2] cycle to the text review and purchase. Is this comment
[3] you are recalling on the part of Mr. Buckingham in the
[4] spring or the summer?
[5] A: No. This would have been prior to — I believe it was
[6] May when he made his laced with — it would have been
[7] prior to that.
[8] The next time she brought the subject up, that is
[9] when he made the — and I will say this for Barrie. She
[10] was especially obnoxious that night. I remember
[11] thinking that even as she was speaking. Her tone was so
[12] sarcastic and so snide. I could see Bill over there
[13] steaming.
[14] I was like thank goodness, you have to deal with
[15] her and not me. I wished it would have been me.
[16] Because at that point, he informed her rather in a — he
[17] was fed up. You could tell by the tone of his voice.
[18] He said that no, the book was being currently held
[19] up because it was laced with Darwinism. And I am like
[20] oh, no. And I looked toward the two reporters. All I
[21] could see was the tops of their heads as they were
[22] writing furiously. I was like well, here we go.
[23] I felt like — just call it a hunch. I thought we
[24] were in PR trouble. The story went wire service.
[25] And at the next meeting, and I believe it was the

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[1] very next meeting —
[2] Q: Stop there, Jeff, because I don't want to miss a minute
[3] of this here. We've got this meeting where Bill makes
[4] the comment laced with Darwinism. Let's look at the
[5] Board at that time.
[6] Did anyone on the Board — I mean your wife is on
[7] the curriculum committee with him. Did she respond to
[8] Bill's comment?
[9] A: I don't recall. To be honest with you, I don't. I can
[10] hear him say laced with Darwinism just by closing my
[11] eyes. I am there.
[12] A lot of what happened after that is something of
[13] a blur because I was in full spin control at that point.
[14] That's right. Because we did have a person who just
[15] recently graduated, he was attending college as a
[16] biology major as a matter of fact, and he came up and
[17] made a statement that he didn't see why Darwin being in
[18] the biology book was any great problem. And there was
[19] some altercation between — okay. There was more
[20] comment. It is coming back now.
[21] Noel, Alan and Bill basically took turns tag
[22] teaming this guy. I mean I am like, you know, you are
[23] getting perilously close to crossing the line into
[24] bullying this guy. They weren't. They did not quite
[25] get to the point of what I would call true bullying, but

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[1] the guy was definitely outnumbered. And their tone was
[2] pretty hostile toward his viewpoint.
[3] And finally, as a close, to put an amen to the
[4] whole thing, I said to him, while Mr. Buckingham is the
[5] chairman of curriculum, the Board as a whole will vote
[6] on whether or not to accept this book.
[7] I meant this as a basically — to reassure this
[8] guy that this is not the last word on the subject. I
[9] did not intend it as a put down of Bill. At this point
[10] in time, I am still trying to work with Bill. I am
[11] still considered —
[12] It was played up in the paper as me basically
[13] putting Bill down. That was all in the way the words
[14] were arranged. They quoted us correctly, but the
[15] juxtaposition made me look like I was basically slapping
[16] Bill down. And that certainly wasn't the intent at the
[17] time. Nor did he take it that way because we discussed
[18] it after the paper came out.
[19] Q: Okay. Let me ask you to give me a little more specific
[20] information about this exchange here.
[21] You have got a student who was present who comes
[22] up and says I don't see the problem with having
[23] Evolutionary Theory in a biology text. And you have
[24] indicated that three guys, three Board members
[25] responded.

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[1] What did Noel say?
[2] A: Good, because he is the one I can definitely recall. At
[3] least he was over there. That is when he made the
[4] statement when you only teach one side of an argument,
[5] you are teaching it as fact. That is probably not word
[6] for word, but it is the gist of it. I remember him
[7] saying that.
[8] I remember Alan arguing — what was he saying?
[9] That is the key. I remember Alan argued because I
[10] remember it was the three of them. There were almost
[11] like taking turns with this guy.
[12] Alan was definitely arguing — all three of them
[13] were arguing for a second opinion, another viewpoint
[14] other than Darwinism. But I can't recall the actual
[15] words other than that one phrase of Noel's.
[16] Q: Do you recall if Mr. Bonsell mentioned Intelligent
[17] Design?
[18] A: No, I don't. No, I don't believe he did.
[19] Q: Is it that you can't recall, or that you are certain he
[20] didn't?
[21] A: I am reasonably certain he didn't. I can't — I don't
[22] recall him doing so.
[23] Q: Do you recall —
[24] A: Considering all that has happened since, I would like to
[25] think — I don't know. I guess I don't know is the best

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[1] way to put it.
[2] Q: How about Bill Buckingham? You indicated that he
[3] responded to this student's observation?
[4] A: Yes.
[5] Q: Can you recall what he said?
[6] A: His point, he was essentially taking the point that we
[7] needed to have more — he did not use the word
[8] Creationism I don't believe. I don't think that he did
[9] that night.
[10] He was arguing that we — all three were arguing
[11] that we needed more than one opinion on this subject,
[12] but I can't recall any more specifics other than that
[13] one by Noel. And, of course, laced with Darwinism which
[14] got it all started.
[15] Q: Was there any recess during this first meeting?
[16] A: Probably, but I don't remember.
[17] Q: Can you recall any other discussion among Board members
[18] about this issue, this biology text issue?
[19] A: That night?
[20] Q: Yes.
[21] A: Yes. By me. At some point, we either went for
[22] executive session or recessed or something because I
[23] remember telling them I hope you're ready for the
[24] newspapers tomorrow. Because when Bill made his laced
[25] with Darwinism statement, I looked over, and all I could

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[1] see was the tops of their heads, and they were
[2] scribbling furiously. We are definitely going to be in
[3] the paper tomorrow.
[4] And Bill's contention was good, it's about time.
[5] And I am like okay. I'm not trying to imply — I just
[6] — I don't know what that meant. Bill was his usual
[7] pugnacious self.
[8] Q: Anyone else say anything?
[9] A: Nothing else comes to mind. I just remember kind of
[10] telling everybody I hope you are ready for the papers
[11] tomorrow. But nobody seemed too upset by it.
[12] I would say that Noel and Alan both felt that
[13] maybe with a little less emphasis than Bill, they were
[14] sort of like this is just something that was going to
[15] have to come up. I am reading things in. This is an
[16] opinion. This is just what I gathered from their
[17] general tone and manner that they did not view this as a
[18] gaff or a publicity problem.
[19] It was like well, sort of, let it come sort of
[20] thing. I am interpreting here. I'm sorry.
[21] Q: Let me ask you that. You said you had the sense Noel
[22] and Alan were looking for another viewpoint. You can't
[23] recall Alan using Intelligent Design.
[24] Did Noel Wenrich use that term?
[25] A: I don't believe so. I don't believe it came up. Noel

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[1] may have even used the phrase Creationism. It sort of
[2] sticks in my mind that he did, but I am not positive.
[3] He may have, but I am pretty sure — I know Alan did not
[4] use Creationism. Alan ever used Creationism, ever. And
[5] I don't think he used Intelligent Design, but I am not
[6] sure.

[7] Q: How about Sheila Harkins, do you recall her saying
[8] anything in response?

[9] A: No. At this point, Sheila seemed utterly disinterested
[10] in the whole subject. Sheila had no part in the —
[11] none, whatsoever. I can't say that strongly enough.

[12] Sheila had no part in it until it came time to buy
[13] the Of Pandas and People book. That is when Sheila
[14] enters the stage from my own recollection.

[15] Q: Sure. That's fine. How about Angie Yingling? Bill has
[16] made this comment laced with Darwinism. The reporters
[17] are scribbling as you recall.

[18] Did she say anything?

[19] A: I don't recall anything. It was basically Noel, Alan
[20] and Bill.

[21] Q: All right. So say —

[22] A: I put my little code in at the end, but that was it.

[23] Q: Right. And do I understand you correctly, Jeff, that
[24] your point is look, when the text comes up for a vote,
[25] the whole Board votes on it?

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[1] A: That is, of course, true. Because committee chairs
[2] recommend or not recommend, but that is it. The Board
[3] ultimately disposes.

[4] Q: Okay. So what happened next? This is the first meeting
[5] in June do you think?

[6] A: No. This would have been in May I believe.

[7] Q: Okay.

[8] A: According to what Casey and I went over the other day, I
[9] think this — we both think this was in May.

[10] Q: Okay. In any event, it is the first meeting that you
[11] remember, and that is fine.

[12] A: It was the first time that anything that ultimately
[13] became known as Intelligent Design, it was the first
[14] time it ever became public. And I am absolutely certain
[15] of that.

[16] Q: Now you say became public. Up until this time, you have
[17] mentioned a comment that Alan made.

[18] A: Right. There were the back stage comments. None of it,
[19] none of the stuff involved any concrete action by the
[20] Board. It was more like opinion, which you do all the
[21] time.

[22] I didn't give it any real weight more than okay,
[23] that's how they feel. But I also knew there were
[24] certain laws, blah, blah, blah.

[25] Q: There were certain what?

[1] A: There are certain laws relating to — I mean I was very
[2] much of the opinion, and I can't give you my exact
[3] reasons why, I was of the opinion that Alan would have
[4] been quite happy to teach Creationism in school. But he
[5] was also aware of the pertinent case law. And Alan is
[6] not a bomb thrower. You will not get that statement out
[7] of me about Bill, but you will get it about Alan.

[8] Q: And we are starting now the story where it picks up
[9] speed.

[10] A: Yes, where it starts to pick up speed.

[11] Q: Before we go there, let me ask you: You have mentioned
[12] a comment by Alan Bonsell when he got on the Board and
[13] got on the Board curriculum committee about Evolutionary
[14] Theory. Taking the period of time between Alan's
[15] comment and this meeting you have just described, do you
[16] recall any other discussions involving Evolutionary
[17] Theory by members of the Board?

[18] A: There were comments on and off. It was there. It was
[19] in the background. It wasn't as though it only ever
[20] came up once.

[21] Occasionally — and to be honest, Noel Wenrich was
[22] usually involved in them. I tended to stay out of them
[23] other than the fact that I was very concerned. I did
[24] not want to be — my big concern was the total accident,
[25] total chance thing. If we are teaching that, then we

[1] should — if we are telling that to kids in class, then
[2] I felt we were within our rights to tell them there are
[3] other opinions of how life actually — the whole purpose
[4] of the thing kind of thing.

[5] I was not — the truth of the matter is, I have
[6] not had a problem with Evolution for a long, long, long,
[7] long time. So this was not an issue to me.

[8] But what precedes the Evolution, whether it just
[9] happened or whether there is some sort of guiding hand,
[10] that's outside of science at this point —

[11] Q: When —

[12] A: — in my opinion.

[13] Q: All right. So we have got this first meeting where the
[14] text issue comes, as you say, into the public with Bill
[15] Buckingham's comments. You have indicated it was in
[16] response to some pointed questioning by Barrie Callahan.

[17] Was anyone else present?

[18] A: Eric Rothschild used the term provoked on Sunday. He
[19] said I sort of got the opinion that Barrie Callahan
[20] provoked this discussion. I said provoked is an
[21] excellent word.

[22] Q: I share Mr. Rothschild's sense that it was provoked.
[23] Was there any other provocative comments offered by the
[24] members of the public at this meeting you described?

[25] A: By the public, no, none, whatsoever. Once Barrie had

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[1] gotten her — I shouldn't say that. There probably
[2] were, but it wasn't anything memorable. Her general
[3] attitude was probably pretty nanana (spelled
[4] phonetically), but don't ask me what it was. I tuned
[5] Barrie out at every opportunity.
[6] Q: So now the next meeting comes up, and you had a sense
[7] that there might be public attention drawn to the
[8] Board's deliberations on the subject?
[9] A: And they were fulfilled. There were TV cameras from two
[10] or three of the local networks there. Neither of us is
[11] exactly sure.
[12] There are three television crews who cover us —
[13] Channel 8, Channel 43 and Channel 27. They aren't all
[14] there all the time, but those three have shown up
[15] at various sort of times.
[16] I can't say for a fact whether all three were
[17] there, but at least two of them were. We are really
[18] sure 43 and 8 were both there. We are not so sure about
[19] 27.
[20] Q: So how does the meeting proceed? You go through the
[21] agenda, and you get to — first, there is public
[22] comment.
[23] Was any public comment made on the text issue?
[24] A: Yes. I believe if I am correct — and this is where
[25] memories get foggy — as I recall it, it was a big dud

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[1] for the TV crews. That we had basically just — there
[2] was a statement made that it would be reviewed in
[3] curriculum committee blah, blah, blah, put to rest, and
[4] that was pretty much it. That is how — that is my best
[5] recollection, that that particular meeting was a dud
[6] from a news standpoint.
[7] Q: Is this the meeting immediately after —
[8] A: Yes. This was right after the laced with Darwinism.
[9] And then at this point, what I'd say was hearsay,
[10] because there was indeed a curriculum meeting. You
[11] probably got all the details on that yesterday.
[12] Q: Let me stop you there. The statement, you indicated
[13] that a statement was made at this Board meeting
[14] addressing the text?
[15] A: As I recall, that's pretty much how it went. I am even
[16] guessing on that. But it sticks in my mind that that
[17] meeting with all the TV crews there was a big dud, that
[18] nothing exciting happened.
[19] Q: I take it you had no part in formulating whatever
[20] statement was read at that meeting?
[21] A: It would have been a simple statement. As a statement
[22] goes, it would have been dry boilerplate. The matter is
[23] being looked into by a committee. Thank you very much.
[24] We are moving on to the next subject.
[25] Bureaucrats grind those out with no difficulty.

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[1] They can do it in their sleep.
[2] Q: Who made that statement?
[3] A: I have no idea. I guess either — well, I am thinking
[4] when the questions came up, Dr. Nilsen referred to Mr.
[5] Baksa, but I could be wrong. I am not even sure that
[6] Bill made any statements. I think Bill just stayed out
[7] of it at that point.
[8] I think it would have been Mike Baksa's
[9] department. He handled curriculum. That is a guess,
[10] but it seems about right. At any rate, as I recall that
[11] meeting, nothing exciting happened at all.
[12] Q: Okay. How about public comment at that second meeting,
[13] did people come to the meeting to offer comment on the
[14] text?
[15] A: There wasn't too much that I recall. I am sure Barrie
[16] got her two cents worth in, but nothing really sticks
[17] out in my mind.
[18] Now I don't have a photographic memory. I am good
[19] at remembering certain things. But unless they really
[20] grab my interest, they tend to disappear quick.
[21] Q: Okay. Now we had two meetings now where at least the
[22] issue is in the public. You recall Mr. Buckingham's
[23] laced with Darwinism statement.
[24] Anything else in this two meeting period, any
[25] statements you recall?

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[1] A: No.
[2] Q: Then what happened next as you saw it relating to the
[3] biology text?
[4] A: Well, they had a meeting — a curriculum committee
[5] meeting. I wasn't present. But, of course, I heard all
[6] about it when Casey got home.
[7] Q: Tell me what you heard.
[8] A: And I didn't hear it just from Casey. I heard that they
[9] had — Jen Miller and Bob Eshbach were both there and
[10] Bertha Spahr. And I keep wanting to call her Bertha
[11] Schaeberle because she was Bertha Schaeberle when I went
[12] to school. That is how long this woman has been with
[13] the School District.
[14] It was Bertha Spahr, Mr. Baksa and Bill and Casey,
[15] and I think Sheila was there also, but you better check
[16] with Casey's notes on that one.
[17] As I heard it, it was basically Eshbach and Miller
[18] both presented how they dealt with this hypothetical
[19] situation. And I remember her saying they said in their
[20] 20 some years combined teaching experience, they could
[21] number on one hand the time children had any questions
[22] about Evolution.
[23] And they explained how they dealt with it. They
[24] said this is something you must talk over with your
[25] Pastor — your family and your Pastor. And there had

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(1) never been a followup. In other words, no parent ever
(2) came back. It apparently solved the situation. At
(3) least from a School Board standpoint, no irate parent,
(4) no problem.

(5) They reviewed the text. And she said that
(6) Mr. Buckingham had said by the end of this that he
(7) could — he could live with the text. He agreed to
(8) support it. That was her understanding.

(9) I got that also from Mr. Baksa because he was
(10) calling Casey the miracle worker, the peacemaker I think
(11) he called her because she allayed Mr. Buckingham's fears
(12) about this book and the way that the subject was
(13) handled. Or so it seemed at the time.

(14) Anyway, everybody apparently came out of that
(15) meeting with the impression that Mr. Buckingham's
(16) objections had been dealt with. He was content.

(17) Q: Okay. Let me ask you: You mentioned that you heard
(18) about the meeting from more than one person?

(19) A: The other person was Mike Baksa.

(20) Q: In terms of the specific concerns that Mr. Buckingham
(21) articulated at this curriculum committee meeting, can
(22) you tell me anything more specific? Did Casey recount
(23) the exact basis for his objections to the text?

(24) A: It was her impression that he had simply — it was her
(25) impression that he had never read the book, that he had

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(1) simply opened the index, and every place Darwin was
(2) mentioned, he noted that page and objected to it.

(3) I remember her saying the one page consisted of a
(4) picture of Darwin's finch and the word Darwin's finch,
(5) and he objected to that page. Although the only mention
(6) on that particular page was Darwin and Darwin's finch.

(7) It was her opinion that he had simply gone through
(8) the index, and wherever the word Darwin showed up, he
(9) objected.

(10) Another one was timelines of science. I remember
(11) her telling me that. On the timelines of science, here
(12) we have got Aristotle, and here we've got Newton, and
(13) here we've got Darwin, he objected to Darwin apparently
(14) being in the timelines of science. I don't know. She
(15) wasn't too impressed with his objections. I got that.

(16) Q: Anything else?

(17) A: That's what I recall.

(18) Q: Did Mike say anything else to you about the basis for
(19) Buckingham —

(20) A: He didn't tell me anything of that stuff. I just said
(21) that came from Casey. Mike was just praising her for
(22) having — and apparently giving her most of the credit;
(23) although, it sounded like I thought the biology teachers
(24) deserved a lot of it, too. Maybe Mike was just
(25) buttering me up. I don't know. They do that to School

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(1) Board members.

(2) But at any rate, that is all he really talked
(3) about was the fact — he didn't get into specifics, but
(4) just the fact that she had apparently taken care of this
(5) situation.

(6) Q: Then what happened next?

(7) A: What happened next? We were in executive session before
(8) the next meeting, and Bill came up to me, and I believe
(9) just me. I mean I am sure he told other people. But as
(10) I recall, it was pretty much a one on one conversation.

(11) He was fairly glowing because he was getting
(12) letters of support from all over the country because the
(13) story had gone wire service. But the thing that really
(14) impressed him most an institution in Seattle — and he
(15) did not give the name — but an institution in Seattle
(16) had contacted him and offered him help and advice in
(17) dealing with this. He did not give me the name of the
(18) institution.

(19) I got the impression he didn't remember the name
(20) off the top of his head. I don't think he was being
(21) coy. He just couldn't remember it. That is the
(22) impression I got. At any rate, he did not put a name to
(23) this institution.

(24) Q: Did he mention Intelligent Design in connection with
(25) that institution?

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(1) A: No, he did not.

(2) Q: Now this is at an executive session before —

(3) A: Right, before our very first meeting.

(4) Q: Can you date that, Jeff?

(5) A: It would have been in June, probably the first Monday in
(6) June. I wish I had the timeline sheet that we did the
(7) other day because we were trying to do that the other
(8) day. I forgot to get it today.

(9) Q: That's all right. So now can you recall if this was the
(10) executive session before the meeting on —

(11) A: It would have been the very next meeting. I remember
(12) that because he had told me this, and he was very
(13) excited about it. He and I were still on the same side
(14) of the fence at that time. This was friend to friend in
(15) confidence and so forth.

(16) I remember that was sort of like — I remembered
(17) it because it sort of conflicted with what — I saw it
(18) as a potential problem because I am thinking the biology
(19) book problem is settled, and he is telling me this. It
(20) wasn't like I immediately thought oh, my God, but it was
(21) sort of like well, what problem — it bothered me. I
(22) couldn't exactly say why, but it just seemed a little —
(23) that is why I remember it so vividly because it
(24) triggered sort of what the heck.

(25) Q: Do I take your meaning to be you thought the issue had

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[1] been laid to rest?
[2] A: Right.
[3] Q: And now Bill seems to be indicating the issue is not
[4] laid to rest?
[5] A: And even that's too strong. It just sort of — I guess
[6] something in the excitement in his voice, the look in
[7] his eyes, I just had a feeling like this doesn't seem
[8] good to me.
[9] Q: All right. Tell me. Any other discussion — did
[10] Mr. Buckingham say anything more to you during this
[11] exchange that you are describing now?
[12] A: He went on about the fact that he had gotten letters
[13] from people all over the country at some length. That
[14] went in one ear and out the other one. That is the part
[15] that I remember.
[16] Q: How about anything specifically directed toward the
[17] biology text?
[18] A: No, not particularly. No, I don't think so.
[19] Q: Was anyone else present during that exchange?
[20] A: It was in executive session, but I do remember it as a
[21] one-on-one conversation. I am sure other people — you
[22] know, nobody else was really out of earshot, but he was
[23] talking directly to me back and forth. It was just a
[24] one on one.
[25] Q: Now you say it was mentioned in executive session. Was

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[1] there any discussion of the text issue in the public
[2] portion of the Board meeting?
[3] A: Now I do wish I had the timeline because it was in June
[4] that he made his 2,000 years ago comment, but I cannot
[5] tell you whether it was the first or the second meeting.
[6] Q: Okay. Tell me about that. How did that come up?
[7] A: Okay. We had a pretty lively crowd, including
[8] Mr. Buckingham's wife, who is — she is an Evangelist.
[9] That is what she does. She does the tent shows, the
[10] whole thing.
[11] And she gave — we normally limit public comment
[12] to five minutes per person, but she got fifteen. And
[13] she used it all. It wasn't like she asked for fifteen.
[14] It is just that Alan refused to cut her short. She did
[15] a 15-minute tent show revival for our benefit.
[16] And if I close my eyes and brought a handful of
[17] sawdust, I would — Alan Bonsell's mother made an
[18] impassioned speech for including — and this was
[19] Creationism. At this point, it was Creationism —
[20] including Creationism in the curriculum.
[21] And there were several others. But I remember
[22] Alan's mother and Bill's wife in particular, especially
[23] Bill's wife.
[24] And we got into a discussion on this. And it was
[25] during — and it was all about the biology books. I

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[1] know I read Bill's deposition in the paper, but I
[2] respectfully disagree. We were not discussing the
[3] Pledge of Allegiance. We had not discussed it at all in
[4] 2004.
[5] And he made his 2,000 years ago statement. He
[6] referred to Creationism. And there's at least one
[7] comment that was attributed to him in the paper that I
[8] did not hear. But it was common for Bill to talk to
[9] reporters after meetings. So that doesn't really prove
[10] anything one way or the other as far as I am concerned.
[11] When I read it in the paper the next day, there
[12] was a comment about Christianity being the only true
[13] religion. And I did not hear that. But I also
[14] remember, you know, not being surprised because as I
[15] said, Bill routinely talked to the reporters.
[16] I mean I could have drifted over and listened in
[17] had I wanted to. But I remember thinking I didn't hear
[18] that. I also remember not being shocked or surprised
[19] because he could have said it after the meeting. But he
[20] did make the 2,000 year comment in the meeting, and I
[21] definitely heard it.
[22] Q: So we are in the summer of 2004 now?
[23] A: This was in June. I am just not sure which meeting, the
[24] first or the second.
[25] Q: It seems from what you have said, Jeff, that there was

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[1] was public comment directed towards the biology text at
[2] this meeting you are describing?
[3] A: Yes, there was.
[4] Q: Tell me how the meeting unfolded then.
[5] A: That, unfortunately, I can't remember. I remember the
[6] public comment very vividly, but I don't remember what
[7] was — and I am going to guess here because I don't
[8] remember.
[9] We did have to have our textbooks purchased by
[10] July 31st. And it is the best of our recollection, Casey
[11] and I both, we did not have a meeting scheduled for July
[12] because of vacations.
[13] So the logical time to have voted on this book
[14] would have been June, but I do know we didn't vote on it
[15] then.
[16] And I don't even mean we voted on it, and it was
[17] voted down. I know we did not vote on it at all that
[18] night. And I don't remember why we didn't.
[19] Q: Do you think this meeting you are beginning to describe
[20] could have been in response to the press coverage?
[21] A: I would say that had something to do with it, yes.
[22] Q: And then Mrs. Buckingham gives a speech. And you see
[23] that speech as advocating Creationism; is that correct?
[24] A: It was in there. In fifteen minutes, she covered a lot
[25] of bases, but it was in there.

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(1) And Alan's mother was definitely pushing
(2) Creationism. And I recall Bill — and I believe that is
(3) the meeting where Bill used the term Creationism, and
(4) Alan suggested Intelligent Design from the chair. I
(5) could be wrong, but I think that was it.
(6) Q: Let me ask you: Now you have got some comments from the
(7) public about teaching Creationism. Let's look at the
(8) Board's reaction to that and the Board members.
(9) You recall Bill Buckingham making a statement?
(10) A: Yes.
(11) Q: And the statement about 2,000 years ago someone died for
(12) us, am I correct that is the statement you are
(13) referencing?
(14) A: Yeah.
(15) Q: Now what produced that statement on Bill's part?
(16) A: I was objecting. I was yes butting, and I was
(17) attempting — I was still trying to do spin control. I
(18) cannot specifically recall my arguments, but they
(19) basically centered around we can't teach this. We can't
(20) do — we can't teach Creationism. We can't. And I
(21) apparently set Bill off.
(22) Q: So is it your recollection that Bill —
(23) A: It was in response to what I had been saying.
(24) Q: And the thrust of your comments was we cannot teach
(25) Creationism?

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(1) A: Right. It is illegal. I shouldn't say just me because
(2) Casey was definitely making those statements, too.
(3) There could have been others as well. But I do
(4) remember that I was definitely making them. And I won't
(5) even absolutely say that it was in response to mine, but
(6) that is how I remember it.
(7) And that could be a trick of memory because in one
(8) sense, he was answering all of us. I won't say that
(9) immediately after I stopped talking, he said it, but
(10) that is sort of how I recall it.
(11) Q: Okay. How about reaction or response to these comments
(12) from the public or your comments from other Board
(13) members? You said Alan said we are talking about
(14) Intelligent Design; is that what he said?
(15) A: He just said — Bill used the phrase Creationism, and
(16) Alan said Intelligent Design just like sort of a
(17) correcting like. Say I wanted to say — I don't know —
(18) Orlando, Florida, and I said Orlando, Texas and my wife
(19) might go Florida. That sort of thing. I just viewed it
(20) as sort of like use that phrase, please, or you made a
(21) mistake or something. I don't know how.
(22) But at any rate, that is all he said two words
(23) Intelligent Design, period.
(24) Q: How about Noel Wenrich, did he say anything in response
(25) to these suggestions?

(1) A: I don't recall any. I do recall that Noel was furious
(2) with Bill's wife after that meeting. As he said
(3) bringing a tent show into a School Board meeting. And I
(4) don't recall whether he said anything or not that night.
(5) Q: How about Sheila, did she respond?
(6) A: Sheila, if Sheila responded, she would have probably
(7) been on the side saying we can't teach Creationism. It
(8) is illegal. If she responded at all. That was pretty
(9) much her position at that point in time.
(10) Q: How about Angie Yingling?
(11) A: Don't remember.
(12) Q: And was Jane Cleaver there?
(13) A: I keep saying that about Angie. I don't remember — I
(14) don't know. Jane was missing a lot of meetings at that
(15) point because she was back and forth from Florida.
(16) I keep saying I don't remember with Angie
(17) Yingling. That is less because Angie never spoke; Angie
(18) never said anything very memorable. So you will have to
(19) excuse me.
(20) A lot of times I sort of vaguely recall that Angie
(21) might have spoken, but I have no idea what it was.
(22) Q: So what was the upshot of this meeting?
(23) A: Well, obviously we did not vote on the biology book, but
(24) I can't remember why.
(25) Q: Okay.

(1) A: It would have seemed logical that we would have voted on
(2) it because this was our last meeting before the cut off
(3) date.
(4) Q: I can tell you for the purposes of the deposition, I
(5) will represent to you that the text issue was voted on
(6) on August 2nd.
(7) A: I know it was. I know it was voted on in August.
(8) Q: Do you think this meeting you have just described is the
(9) last Board meeting prior to the —
(10) A: Yes. Casey and I both believe there was no Board
(11) meeting at all in July because of vacation. And we
(12) could be wrong, but that is how we remember it.
(13) At any rate, it is the only way we can account for
(14) this discrepancy. Because by the end of May, Bill is
(15) saying I can support the book. And we are not voting
(16) for it until early August. There is this big gap in
(17) there. We are trying to figure out why. And to be
(18) honest, I don't remember any more.
(19) Q: It is a year ago. Let's take the period of time between
(20) the meeting you have just described where there's been
(21) some memorable statements and this August 2nd meeting
(22) where there is going to be a vote on the text, looking
(23) at that period between those two bookends, do you recall
(24) anything else that bears on the issues we are discussing
(25) biology text and Intelligent Design?

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(1) A: Nothing in public. That was pretty much — I will say
(2) this: After Bill had made his statement — and he made
(3) it with great flair and gusto — and didn't bring the
(4) house ringing to its feet, it seemed to take a little of
(5) the wind out of his sails, and he pretty much folded his
(6) tent.
(7) As I recall, there was just sort of this — after
(8) Bill made his 2,000 years ago speech and there was no
(9) real overwhelming response to do something from the
(10) Board, it was like he had fired his best shot, and it
(11) hadn't hit anything. As I recall from then on, it was
(12) just sort of a —
(13) Q: Sort of the fizzled out?
(14) A: Sort of fizzled out, yes.
(15) Q: Two things. First, now we have gone through some Board
(16) meetings that deal with the biology text proper.
(17) Earlier, you had mentioned some discussion of prayer in
(18) the schools or God in the schools?
(19) A: Actually, that would have been after this.
(20) Q: Good. Let's look at the period of time between the
(21) meeting you just described and the meeting in August
(22) where the vote is held on the text. You have said
(23) nothing happened in public. It sort of fizzled out.
(24) How about in private? Do you recall any
(25) discussions among Board members relating to the biology

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(1) text during that period of time?
(2) A: I am absolutely certain there were some. I was in
(3) fairly regular contact with Sheila Harkins. I am sure
(4) the subject would have come up, but I don't recall —
(5) that's just — I am just covering my bases in case she
(6) remembers anything. I don't.
(7) Q: Then the next step?
(8) A: Noel Wenrich, I think we were in contact. I was aware
(9) at that point that Noel was — because Noel up until
(10) that point — the night that student was talking, Noel
(11) Alan and Bill were all — they were like a tag team,
(12) bap, bap, bap.
(13) And after that meeting, Noel began distancing
(14) himself more and more from Bill from the standpoint he
(15) stopped speaking up so much on the subject. I know he
(16) was very upset by Bill's wife's performance. And that's
(17) probably what it was, a performance. I mean I don't
(18) doubt the woman's religious convictions, but it had a
(19) certain theatricalism to it that it was a performance in
(20) my opinion.
(21) And at that point, from that meeting on, Noel
(22) began more and more to distance himself from that group.
(23) Q: Did you ever discuss that with Noel?
(24) A: Yes. Not exactly in those terms, but Noel and I saw
(25) each other on a fairly regular basis. And he was upset.

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(1) He was concerned. He was quite frankly appalled at the
(2) publicity we were getting. He didn't want it. He
(3) didn't agree with the tactics that were being used, with
(4) the approach.
(5) I think that was his primary objection. The
(6) tactics, the approach were just counterproductive.
(7) Q: Let me ask you —
(8) A: Because as I said, philosophically, he agrees with Bill.
(9) Q: Let's look at that, Jeff. At this point in time now, do
(10) you see — Bill has mentioned Creationism at a Board
(11) meeting. Alan has said Intelligent Design. What do you
(12) see as what is actually at issue here?
(13) We are talking about a biology text that is coming
(14) up for a vote?
(15) A: Right.
(16) Q: Is the issue whether that text is going to be approved?
(17) A: I didn't see it that way at the time. I was still
(18) assuming that when Bill Buckingham gave his word that he
(19) would support it, that he would support it.
(20) Q: Okay.
(21) A: Because that's the impression I had of Bill. He was a
(22) guy that when he told you something, whatever else, you
(23) could take Bill's word for things.
(24) So I never viewed the biology text as being at
(25) risk. I assumed it was a done deal because he had said

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(1) so.
(2) What I saw was there was definite talk about
(3) inclusion of an alternate theory, and I was — again,
(4) I'm still naively clinging to my own rather broad based
(5) viewpoint of what Intelligent Design actually
(6) represented. So I was actually onboard to some degree
(7) at that point for yeah, I don't have a problem with this
(8) kind of thing.
(9) We never got into specifics. There was nobody
(10) ever gave an actual definition. It's entirely
(11) possible — in fact, it is probably more than entirely
(12) possible that I would be standing there talking to Alan
(13) or Noel or even Bill on this subject, and I'm thinking
(14) one thing, they're thinking another, and neither
(15) realizes that the other is thinking anything else. I
(16) know it didn't cross my mind.
(17) Q: Are you getting there, Jeff, whatever understanding you
(18) had of Intelligent Design?
(19) A: My feeling was I had no problem at all with mentioning
(20) it — here comes the word — mentioning it as a
(21) counterpoint to the hypothesis. And I wouldn't have
(22) used that term then. It is only since that I have had
(23) to learn the difference between a hypothesis and a
(24) theory. At that time, I used the two words
(25) interchangeably like everybody else does.

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(1) That life evolved through random chance, I had no
(2) problem with a mention of that. If we were going to say
(3) the one, I had no problem with saying the other. I was
(4) onboard to a certain degree with this, but it was based
(5) on my interpretation. They had their interpretation.
(6) And probably a lot of grief came out of that.
(7) Q: Let me ask you about that now. You know that Alan
(8) Bonsell has a concept of Intelligent Design?
(9) A: He had never explained it to me, and I never explained
(10) mine to him. We probably should have, but we didn't.
(11) Q: Do you recall him mentioning any text or sources he
(12) consulted?
(13) A: None. I'm absolutely certain he never mentioned any
(14) texts to me. The first text I ever heard was Of Pandas
(15) and People. And that I heard of at the very end of
(16) July.
(17) Q: So that's where I'm trying to get us to go now.
(18) A: During that interim period, Noel became increasingly
(19) distant from the group. That is pretty much it, what I
(20) can give you.
(21) And then our Board meeting would have been — you
(22) said August 2nd. That would have been a Monday. The
(23) Thursday prior to that, Mike Baksa called Casey, because
(24) she was on the curriculum committee, and told her that
(25) Bill had this book someone had sent him Of Pandas and

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(1) People. And he wanted everybody — he wanted the
(2) Biology Department to take a look at it. A lot of them
(3) were on vacation.
(4) Casey found out about it. I came down here to get
(5) a copy. They didn't have any. Sheila Harkins had it.
(6) So I went over to her house. And that was my first
(7) indication that Sheila was showing any interest in this
(8) at all, my very first. I am absolutely certain of that
(9) because it came as a total shock to me.
(10) Up until that point, Sheila had either ignored the
(11) subject or sided more or less with us. But at this
(12) point when I went to get the book — it must have been a
(13) very persuasive book — the first thing she said to me
(14) was I think we should buy this book.
(15) I am like Sheila, you never wanted to buy the
(16) books that we are supposed to buy? And I am not
(17) exaggerating. We were a year behind on our biology book
(18) because of Sheila Harkins who hates to part with a dime.
(19) I can say this with all due respect Sheila is cheap.
(20) Q: A good thing in a Board member.
(21) A: Yes. And she was always useful as a bad cop when we
(22) were trying to negotiate anything. It was like you
(23) don't want to deal with me, I will turn Sheila loose on
(24) you. I didn't say it that way, but they knew.
(25) She was very helpful. She was always our bad cop.

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(1) The only problem is that always works best when it was
(2) an act, but she was not acting. She totally blew me
(3) away.
(4) She wants to buy a book we don't need. She has
(5) been fighting buying a book we do need to meet state
(6) curriculum standards, and now she wants to book we don't
(7) need. And I was just like why? Well, it gives another
(8) theory to Evolution. And I am like we don't need
(9) another theory to Evolution. She said — and now, I am
(10) getting fuzzy again. Doggone it. I hate when that
(11) happens.
(12) I am going along. I am hearing it. Then all of a
(13) sudden, I hit a blur. It must have been boring. Well,
(14) anyway, I don't know. It is a blank.
(15) I remember her saying to me that — how did she
(16) put that? I remember my response. What the heck was
(17) her statement? I know she was definitely pushing the
(18) book and wanted to — she wanted to do something that
(19) caused me — I know my response was we will get sued.
(20) But doggone it. What was the thing she wanted to do
(21) that caused me to tell her we will get sued?
(22) That is awful. I probably will wake up three
(23) o'clock in the morning and remember what it was. I
(24) remember telling her we would get sued. I remember her
(25) telling that no, we wouldn't. She said no, we wouldn't.

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(1) But I can't remember — and I think that is pretty
(2) important — what the heck it was she said. I am no
(3) help. I'm sorry.
(4) Q: Was it the purchase of the book?
(5) A: It involved the purchase of the book and as a
(6) supplemental text.
(7) Q: Putting the book in the classroom?
(8) A: That's what it was. I said we could get — she wanted
(9) to buy the book as a supplemental text to our regular
(10) textbook. And I said you can't spend taxpayer money on
(11) this. We will get sued. And I wasn't thinking sued in
(12) Federal Court. I was thinking a taxpayer group will sue
(13) us for misuse of funds. That is what I meant. That is
(14) what it was. Okay. Good. It is there.
(15) Q: Jeff, just to make sure I am understanding you, did you
(16) mean you are buying an unnecessary book?
(17) A: We are buying an unnecessary book. I was being dramatic
(18) for Sheila's effect. I was trying to back her down to
(19) be honest with you.
(20) But then we got into the whole thing of suing.
(21) And it segued somehow, and this is what I — this is
(22) what I was thinking about that was conflicting with
(23) that. I hate memories.
(24) We got into the subject of teaching Creationism.
(25) I think she was using Evolution. I don't remember

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[1] until — shoot. No. Forget it. I am lost here.
[2] I don't know how we went from getting sued by the
[3] taxpayers for misuse of funds to the possibility of
[4] being sued. But I remember her saying just read the
[5] book. And I was arguing the book was irrelevant. We
[6] couldn't do this. We couldn't go there.
[7] I know what it was. I said — yes. I said Bill
[8] has poisoned this whole thing. I said he has equated
[9] this with teaching Christianity. I said whatever chance
[10] we ever had of doing anything is dead because of Bill.
[11] And she said Bill is not the whole Board. And I
[12] was like he has been too vocal. It's not going to play.
[13] People are going to see this as Bill Buckingham's
[14] bringing God back into school. And she said just read
[15] the book.
[16] I said it doesn't matter what is in the book. It
[17] is not going to matter. They are going to see this — I
[18] am pushing it from a PR standpoint. And that's — yes,
[19] now it is coming back to me.
[20] Yeah, that was the discussion. Yes. It was
[21] because I was arguing that because of what Bill had
[22] said, no matter what we did, it was going to look like
[23] we were trying to teach Creationism. And she kept
[24] saying just read the book.
[25] So I took the book home. And I got to the second

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[1] paragraph, and I was ready to throw it across the room.
[2] It was like basically telling me I am an atheist if I
[3] don't — I was not kindly disposed toward the book to
[4] put it mildly.
[5] Q: Let me understand you there, Jeff. There was something
[6] you read —
[7] A: The second paragraph of the book essentially equated
[8] anyone that didn't believe — basically they equated
[9] belief in Evolution with belief in random chance. And I
[10] am a person who believes in Evolution but doesn't
[11] believe in random chance. And this just got my teeth on
[12] edge right away.
[13] Q: Let me just make sure I am understanding you. Then you
[14] said they are calling me atheist?
[15] A: Because to me, random chance and atheism, it is the same
[16] thing. Random chance is there ain't no higher purpose.
[17] To me, that is the atheistic position.
[18] Q: So now I understand you. So you read the book and found
[19] it objectionable?
[20] A: I must admit they had got me off on a bad foot right
[21] from the beginning, but that will happen with books. I
[22] did not read the book. I skimmed it in depth is
[23] probably what I did.
[24] And to be honest with you, I don't know enough
[25] science to tell you whether it was good, bad or

[1] indifferent science. I am not that knowledgeable in
[2] that area.
[3] But I knew that philosophically, I found it highly
[4] objectionable because it seemed to me to be pretty much
[5] invalidating huge portions of Darwin — I don't even
[6] mean the random chance, which I am not even sure is part
[7] of Darwin's Theory per se.
[8] They were very much opposed to the idea of any
[9] species evolving into a different species, which as I
[10] understand it most scientists believe they do. I don't
[11] know. I don't tell mathematicians how to do math. I
[12] don't tell scientists how to do science. I wasn't
[13] impressed by the book.
[14] That was on a Thursday. That Monday, we had the
[15] meeting. Bill made the motion — as the chair, he would
[16] make the motion — to buy the book.
[17] Q: Hold on a second, Jeff. I know that Mike had called you
[18] to bring the Of Pandas issue to Casey's attention and
[19] yours and pick up the book.
[20] Did Mike say anything else to you during that
[21] call?
[22] A: I am sure he did. I think I know what you mean. He did
[23] not pass — he did not give me any opinions on the book
[24] one way or the other.
[25] Q: And then how about in between that call and the Board

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[1] meeting, any discussion with members of the
[2] administration?
[3] A: No.
[4] Q: Any discussions with any other Board members relating to
[5] the Of Pandas book and upcoming vote?
[6] A: Obviously, I talked to Sheila Thursday. I think Casey
[7] — anyway, that is her department, not mine. Me, I
[8] don't recall. I don't recall; although, I might have.
[9] I just don't know.
[10] Q: Get into the meeting.
[11] A: We get to the meeting. Bill makes the motion to buy the
[12] book Biology, the textbook that was laced with
[13] Darwinism. And Jane Cleaver was not there so we only
[14] had eight members.
[15] He makes the motion. I am figuring — I am still
[16] back in Bill gave his word. Bill votes no. Sheila
[17] Harkins votes no. Angie Yingling votes no, and Heather
[18] Geesey votes no. And, of course, Alan Bonsell, Casey,
[19] Noel and I voted yes. The motion fails. It is a 4-4
[20] tie.
[21] I am like oh, my — because we are already passed
[22] our deadline. I mean nobody is going to sweat two days.
[23] But that said, we shouldn't be playing games. We are
[24] already passed the deadline. I am totally what is going
[25] on here?

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[1] I am sitting next to Sheila, and she is voting no.
[2] That doesn't surprise me because Sheila never wants to
[3] buy any books, anyway. I am not shocked. Angie is just
[4] as tight as — those two don't shock me.
[5] What I am really stunned is Bill. Bill said he
[6] would buy the doggone thing. And I am just in this
[7] state of disbelief and shock.
[8] And then Bill drops his bombshell. I have five
[9] votes to buy the book Of Pandas and People as a
[10] supplemental text, but it takes six votes to buy
[11] anything without administrative recommendation. What
[12] does this have to do with the price of eggs? We are
[13] talking about biology. I am not still not with him.
[14] When Jane Cleaver returns, I am going to make a
[15] second motion. The first motion I will make is that we
[16] will buy the back Of Pandas and People. If it fails to
[17] get six votes, we will continue to oppose buying
[18] Biology. If it gets six votes, I am willing to release
[19] my votes to buy the book Biology.
[20] I, at that point according to Angie Yingling I
[21] went white. Bill and I began the first of our truly
[22] heated exchanges which would continue right up until I
[23] resigned.
[24] I got about as scathingly sarcastic as I am
[25] capable of doing and asked him and if we would happen to

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[1] read this book and not be impressed by it, and not think
[2] it was worth the taxpayer's money, he said then you
[3] don't get your book. Either I get my book, or you don't
[4] get yours. And I went so noted. And we continued
[5] downhill from there.
[6] I don't remember what else — I remember my so
[7] noted because it was so theatrical, and it just came
[8] naturally.
[9] The discussion continued.
[10] Q: Let me ask you: Now you have described a situation
[11] where you are kind of surprised at the unfolding of the
[12] vote.
[13] A: And then went from surprise to extreme anger.
[14] Q: Were there any discussions in any executive session
[15] prior to this vote —
[16] A: None I am aware of. Obviously, Bill had lined up his
[17] votes ahead of time over the telephone. But I certainly
[18] wasn't consulted. I walked into that meeting assuming
[19] he was still going to honor his pledge.
[20] Q: Alan voted with you?
[21] A: Yes.
[22] Q: Tell me what you can about his reaction to Bill's
[23] stratagem?
[24] A: He in no way, shape or form caved in. He in no way,
[25] shape or form indicated any willingness to cave in. He

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[1] was actually fairly quiet, but that is not uncommon for
[2] Board Presidents.
[3] Board Presidents, as a general rule, speak last
[4] and speak sparingly. That's just sort of a tradition
[5] with Board Presidents.
[6] Alan pretty much sat it out, but he never in any
[7] way, shape or form indicated — I accused Bill of
[8] blackmail. It was actually extortion, but I got carried
[9] away. And Alan indicated no willingness whatsoever to
[10] capitulate.
[11] And finally after some long and at times heated
[12] discussions like especially if Bill and I were talking,
[13] Angie Yingling moved to reconsider the vote, which only
[14] a person who has voted no can do.
[15] Q: Interesting. Stop right there. In this discussion that
[16] you have described, can you remember anything that
[17] Sheila Harkins said?
[18] A: If she said anything at all, it was very little.
[19] Q: How about Heather Geesey?
[20] A: No. Heather almost never spoke.
[21] Q: You said Jane was absent. There's Casey. Did Casey say
[22] anything?
[23] A: She possibly did, but I don't remember it. I remember
[24] Dr. Nilsen doing a fair amount of talking also.
[25] Q: Let me ask you about Noel Wenrich. Anything that Noel

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[1] said?
[2] A: If it was, it was very scathing. I remember Noel
[3] sitting over there just furious, but I don't remember
[4] anything —
[5] Q: At Bill?
[6] A: I assumed because he sat right beside Bill. He wasn't
[7] staring at Bill, but he was furious. I don't know who
[8] he was furious at. I don't remember anything. I don't
[9] remember other than the fact that it was rather
[10] contentious.
[11] Q: Let me ask you: Was there any discussion of teaching
[12] Creationism in connection with this text dispute?
[13] A: Not that I recall. It was just a supplemental text.
[14] But it was to be included — well, the — okay. I do
[15] remember the word supplemental text. I do remember
[16] Casey pointing out that we had to buy our biology book
[17] by July 31st. And Bill was proposing we put this off
[18] still longer. And Sheila commented that you can buy
[19] supplemental texts at any time in the year.
[20] And Casey said yes, but not without a primary
[21] text. I remember that going back and forth. I don't
[22] think it had anything to do with anything. No, I don't
[23] recall anything. Not off the top of my head, no.
[24] Q: So then as you say Angie moves for reconsideration. Did
[25] she state her reasons?

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[1] A: Her reasons at the time were I wanted the kids to have
[2] their books. Afterwards she told me, I thought you were
[3] going to have a heart attack or kill Bill. I didn't
[4] know which. That is what she told me afterwards.
[5] Q: Okay.
[6] A: I said don't worry about my heart. It is in good shape.
[7] I did not comment on the rest.
[8] Q: So she moved for reconsideration. That motion was ---
[9] A: It then passed 5-4, and we bought the books. Bill was
[10] furious and came over and dressed her down royally. And
[11] Sheila was all over her. They were both furious.
[12] Q: Let me ask you: Was there a discussion about this
[13] voting and the two texts after the vote was taken during
[14] the public session?
[15] A: I don't recall. That pretty much ended it.
[16] Q: Then the meeting, the public meeting adjourns. Was
[17] there discussion after the meeting?
[18] A: I don't remember. It's possible there was, but I don't
[19] remember.
[20] Q: You say you remember Bill Buckingham addressing Angie?
[21] A: Yes. He came over and accused Angie do you know what
[22] you have done? And that is when she said I just wanted
[23] the kids to have their books. Angie was --- she was near
[24] tears. Angie likes to be all things to all people.
[25] Sheila was giving her --- was just raking her over

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[1] the coals. They were both really on her.
[2] Q: Do you recall Bill saying do you know what you have
[3] done? Did you have an understanding what he was getting
[4] at?
[5] A: To be honest with you, I don't. He could have been
[6] referring to you wrecked my Parliamentary maneuver. I
[7] don't know what he meant. That is sort of how I took it
[8] at the time. It could have meant a lot of things.
[9] Q: Sure. You say that Sheila was addressing Angie, too?
[10] A: Basically calling her a turncoat and a traitor and that
[11] kind of stuff.
[12] Q: Okay.
[13] A: Yes, that's right. And Sheila passed me a note. This
[14] goes way back to the old Board, but it's kind ---
[15] basically referring to Angie --- you don't need this
[16] detail.
[17] She passed me a note referring to the fact that
[18] Angie caved in, because I had this nickname of Caveman
[19] for having "caved in" a long time ago. And she passed
[20] this thing that had Caveman with an arrow pointing my
[21] way and Cave woman with an arrow pointing Angie's way.
[22] That was the extent of my communication with Sheila over
[23] Angie.
[24] Then I heard Sheila really ripping into Angie
[25] afterwards. That must have been a recess because I was

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[1] on my way out to get a smoke. I needed one desperately.
[2] Q: If there is a recess, do you recall the meeting
[3] adjourning again after the recess?
[4] A: Obviously, if we would have adjourned, we would have
[5] come back in. But I don't remember what happened after
[6] that. I know Bill was much more subdued. And I still
[7] wanted to hit him.
[8] From that point forward, I no longer considered
[9] that man a friend. I had ceased to trust him.
[10] Q: Was that because he had ---
[11] A: He went back on his word.
[12] Q: All right. Now this is the first meeting in August, and
[13] the text is approved. Do you see anything else
[14] unfolding as we go forward? As you sit there on August
[15] 2nd, the Board meeting is over ---
[16] A: I believe that was probably --- it had to be in that
[17] general time period that these discussions on prayer in
[18] school took place. It was during the summer. I mean we
[19] are in August now so we are getting near the end. It
[20] may have occurred in June. I don't remember. But it
[21] was --- I don't know. The next thing, the next
[22] meeting ---
[23] Q: Wait a second because that is what I do want to ask you
[24] about. It is August 2nd now, and the text has been
[25] approved.

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[1] A: Right. At this point, I don't think --- I will put it
[2] this way: The first discussion of prayer would have had
[3] to have occurred before that just because of the way I
[4] remember feeling. I wasn't feeling like I wanted to
[5] slug Bill Buckingham the first time so it had to be
[6] before that meeting.
[7] If we had an executive session before that
[8] meeting, it could have occurred then. I don't know.
[9] But certainly the first one had to occur before the
[10] third of August, and the second one would have occurred
[11] afterwards.
[12] Q: Okay. Let's look at that first one. I am just trying
[13] to get whatever you can recall about that discussion.
[14] Was it prayer in the schools?
[15] A: They were all --- it was consensual, unanimous --- I am
[16] sorry; I'm not helping; am I --- that they thought prayer
[17] should be in schools, which I don't view as a
[18] constitutional issue. A person can think anything they
[19] want.
[20] They were not discussing actually taking any
[21] specific action to put it there, and they never did. In
[22] my presence, no one ever discussed an action to put
[23] prayer in school. A desire to do so, yes. A plan to do
[24] so, no.
[25] Q: Okay. All right. Now we are looking forward from

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[1] August 2nd. And I know you are not on the curriculum
[2] committee, but did you see any future issues coming up?
[3] What was the status of Of Pandas?
[4] A: At this point, it was a dead issue. However, the next
[5] thing to come up at the very next meeting — no, not —
[6] the very next would have been the second one in August,
[7] and at that point, I think Bill was still subdued.
[8] I guess it was the first meeting in September,
[9] Bill announced in executive session that he had found —
[10] that he was soliciting donations from community members
[11] to buy copies of Of Pandas and People to be placed in
[12] the biology classes.
[13] And I remember saying — and Casey too — we can
[14] accept donations to our library. That is a standing
[15] policy with the District. And he said no, I am not
[16] asking people for their money to put books in the
[17] library. If I am going to go to these people and ask
[18] them for money, the books are going in the classroom.
[19] And I said you could have a problem with that. I
[20] don't know. I didn't tell him he would. I said he
[21] could.
[22] And I said the library, no problem. We have a
[23] standing policy to handle it. And he repeated that he
[24] was not at all interested in getting people to donate
[25] these to the library. He wanted them in the classroom.

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[1] That is pretty much where that stopped. But then
[2] I heard — well, Alan Bonsell and Jane Cleaver both said
[3] to put them down as donors. They made that statement.
[4] And, again, I was like I didn't view that as a big
[5] deal, but I thought I might as well throw it in for what
[6] it is worth. They were allowed to buy any books they
[7] want. I don't care.
[8] Q: I understand. What happened next from your perspective,
[9] Jeff?
[10] A: The next thing that came up was we had a meeting at the
[11] high school. This is another one Casey and I are foggy
[12] on. We are both positive it was in the high school. We
[13] only had one meeting in the high school all year. So
[14] it's whatever date that was. We think it was the second
[15] meeting in September, but we are not positive, believe
[16] me.
[17] Anyway at that one, I remember there was another
[18] discussion with Casey about a world's religions class.
[19] She had been bringing this up off and on for three
[20] years. She said that we could teach stories of
[21] Creationism. We can teach anything we wanted in a
[22] world's religions class, but we have to teach all
[23] religions, or at least all major ones.
[24] And I remember Alan saying no, we don't. I pretty
[25] much stayed out of this one. But a similar conversation

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[1] came up the first month — at the first meeting in
[2] October.
[3] I had been at a seminar. The School Board had a
[4] policy that they would send one Board member to
[5] seminars, and then we were supposed to come back and
[6] report what we found and save money that way.
[7] I had attended a seminar on church, state issues.
[8] I was trying to pass this information — I had been
[9] trying to pass this information around all summer and
[10] kept running into stone walls. But I remember the first
[11] month in October, Casey again proposed a class on world
[12] religions. And I got involved in it somehow, some way.
[13] And I said but no, I said — that's right. At the
[14] seminar I attended, the ACLU's position is you can teach
[15] all religions or none of them, nothing in between.
[16] And Heather Geesey looked me right in the eye and
[17] said we're not teaching other religions in this school,
[18] and the emphasis was on the word other. I was thinking
[19] okay, and I just dropped the subject.
[20] And at that meeting, the Superintendent announced
[21] that he was placing by executive action — the Board was
[22] not involved — he was placing the books Of Pandas and
[23] People in the biology classrooms. He had gotten the
[24] okay from the teachers, and he was doing this, and the
[25] teachers were okay with it.

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[1] I remember thinking well, Bill, you got your books
[2] in the classroom. I hope you're happy. That was the
[3] position of the local newspapers because they both
[4] printed articles praising Dover for having found a
[5] compromise that was acceptable to all parties. And once
[6] again, we thought the issue was settled.
[7] Q: Okay.
[8] A: And then came October 18th.
[9] Q: Let's stop for a quick minute.
[10] (A recess was taken.)

AFTER RECESS

BY MR. GILLEN:

[1] Q: Let me ask you, you mentioned two things I want to ask
[2] you a little more about. Casey Brown is advancing this
[3] notion of let's teach it in a world religions class.
[4] And I think I know the answer to this question, but I
[5] want to ask it anyway.
[6] Is that because Casey saw the book of Of Pandas
[7] and People?
[8] A: Casey was advancing it for three years. It was long
[9] before she ever heard of Of Pandas and People.
[10] Q: Explain what is Casey advancing.
[11] A: The idea of a world religions class. And it was pretty
[12] much in response to the fact that Alan was so interested
[13] in seeing that kids got some sort of religious

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[1] background information in school. And again, I am
[2] putting words in his mouth to say it that way.
[3] It concerned him. It concerned Noel. It was a
[4] concern for several Board members. And none of us — I
[5] don't think there was anybody on that Board — I would
[6] hope there was never anybody on that Board who thought
[7] that religion is a harmful thing for human beings to
[8] have.
[9] And she was mainly concerned with what's legal and
[10] what is not. Basically Casey and I and several other
[11] people really did not like to pick up the newspaper and
[12] read about our School District. Our goal was to stay
[13] out of the newspapers as much as possible. Let's run a
[14] School District the way most people do, which is you get
[15] a little box on the back of the local section about
[16] twice a month, and nobody reads it. Being front page
[17] above the fold was not our goal.
[18] So she was looking at this from a standpoint of
[19] what we can do legally. And, quite frankly, I think she
[20] viewed it as a good thing. I got that impression.
[21] Q: Am I understanding you correctly that Casey viewed
[22] Intelligent Design as a religious argument?
[23] A: Not initially because she — yes, Casey and I both
[24] viewed it — having read Of Pandas and People, we both
[25] reached the conclusion that this was just Genesis

[1] other. It was not lost on me.
[2] Q: Did you see what she was getting at?
[3] A: Okay. I will put it this way: The way she said it, I
[4] got the impression that she had no problem, whatsoever
[5] teaching her particular religion, but other people's —
[6] and whether that meant mainstream Christianity as
[7] opposed to Fundamentalist Christianity, I cannot say.
[8] She may have been thinking Islam, Buddhism, what
[9] have you, I don't know. But the emphasis was on the
[10] word other. She apparently viewed that as just not
[11] acceptable.
[12] Q: That is what I am having a difficult time understanding.
[13] How did the teaching religions come into it?
[14] A: Casey kept suggesting it as one way to deal with — you
[15] want to get Creationism into the school system, this is
[16] how you can do it. It is part of Judaism. It is part
[17] of Christianity. You can teach this as religion, and
[18] you can teach religions as long as you teach a pretty
[19] balanced slate of them.
[20] When I say all, I am not sure you have to teach
[21] about Odin. I don't know. But I don't know where the
[22] guideline — where it all ends. At any rate, that is
[23] how we pretty much understood it.
[24] You are allowed to teach about religions plural.
[25] But not in a public school, not a particular one to the

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[1] dressed up with a couple of scientific — with a couple
[2] of scientific asides.
[3] Q: That is why she is proposing to put it in a world
[4] religions class?
[5] A: Right.
[6] Q: You mentioned a seminar you had attended on church and
[7] state issues. When was that, Jeff?
[8] A: That would have been in 2003 actually.
[9] Q: Where was that held?
[10] A: Up in Hershey.
[11] Q: Who put it on?
[12] A: The PSBA. They put one on every year.
[13] Q: And what month in 2003?
[14] A: Couldn't tell you.
[15] Q: PSBA is?
[16] A: Pennsylvania School Board Association.
[17] Q: You mentioned that in response to Casey's suggestion
[18] that maybe we could discuss Intelligent Design in a
[19] world religions class, somebody said we don't teach all
[20] major religions or we don't have to?
[21] A: She said that we will have to teach all the major
[22] religions, and Alan said we don't need to do that. And
[23] when I basically reiterated pretty much the same thing,
[24] Heather Geesey's response was we are not teaching other
[25] religions in this school. She emphasized the word

[1] exclusion of all others.
[2] Q: Okay. Let's go through this last meeting you have
[3] discussed here. I think it is the October — the first
[4] meeting in October?
[5] A: The first meeting in October, yes, that was the one
[6] where Heather said about other religions. And that was
[7] the one where Dr. Nilsen announced the books were going
[8] into the classroom. And that was pretty much that for
[9] that meeting.
[10] Q: Okay. When Dr. Nilsen discussed putting the books in
[11] the classroom, did he go into detail, or did he just say
[12] we got a donation, and we are going to put it in the
[13] classroom?
[14] A: He announced that he had discussed it with the science
[15] teachers, and they didn't have a problem with it. I
[16] think what he actually meant was they gritted their
[17] teeth and said fine, we can go this far. I don't know.
[18] I am guessing.
[19] Anyway, that is what he said, that it was okay
[20] with the Science Department.
[21] Q: Okay. Any discussion of contemplated curriculum changes
[22] at this first meeting in October?
[23] A: Not at all. That came up almost immediately after. And
[24] we got the information second — I should say Casey got
[25] the information second hand, or through the

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[1] administration.
[2] And again, you better refer to her on that because
[3] I don't — I do know that both she and I were becoming
[4] increasingly disgusted. Neither of us were discussing
[5] it with the other.
[6] Our 20th anniversary was October 16th. And that
[7] is when we both — I think she mentioned it first, that
[8] she said she was considering resigning over the way we
[9] were being treated by the Board, by our so-called
[10] friends. And I said you're kidding because I have
[11] thinking the exact same thing.
[12] We both had been thinking it for quite a period of
[13] time. Neither one was talking about it because neither
[14] one wanted to influence the other. It was like well,
[15] gee.
[16] So we came to the October 18th meeting. We had
[17] found out when we got our — that this curriculum change
[18] was being proposed. She had her resignation speech all
[19] written out. I read it and figured what am I going to
[20] say to top that? I will just make a few quick comments
[21] and get out of there.
[22] Q: Let me ask you, Jeff, you indicated that before this
[23] meeting, Casey did get some notice that the curriculum
[24] change is in the works.
[25] Can you recall anything about that notice? How

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[1] did she get the notice, for example?
[2] A: I don't know. I was probably at work. Probably a phone
[3] call. I am guessing. I assume it was a phone call.
[4] Q: Did she tell you anything about that process?
[5] A: Not very much. I mean not before. Afterwards, yes. I
[6] got some stuff. But beforehand, I don't remember too
[7] much.
[8] I mean I was aware that it was being discussed,
[9] but that is about as much as I knew. To be honest with
[10] you, at that point, I was in the process of just not
[11] caring anymore. I wasn't paying as much attention as I
[12] had been.
[13] Q: Okay. Let me ask you this: In the period between Casey
[14] got whatever notice she did and the Board meeting on
[15] October 18th, do you recall getting any phone calls from
[16] any of the Board members?
[17] A: Yes. Well, I didn't get it, but Casey got it. Alan
[18] called me I think Friday. I think it was Friday night.
[19] I am not positive. But I came home, and she said Alan
[20] called, and he wants you to call him.
[21] I was like about what? And we had instituted a
[22] policy when we got control of the Board that the
[23] Presidency would be what Noel Wenrich called one and
[24] done. You serve one year. You step down, and somebody
[25] takes your place.

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[1] And what he had called to ask was was I interested
[2] in voting for Sheila for President or voting for him for
[3] a second consecutive term? Which, of course, would have
[4] been changing our policy.
[5] And I am like how about none of the above? I am
[6] not interested in voting for either of those people. I
[7] just didn't call him back. I just did not call him
[8] back.
[9] Q: All right. The information you have just given me, was
[10] that relayed to you by Casey?
[11] A: Yes. I think so unless — somebody took the message.
[12] It had to be our daughter or Casey. Casey told me.
[13] Whether she took the phone call or not, I don't know,
[14] but she is the one that told me Alan had called and what
[15] it was about.
[16] Q: Do you recall it being about anything else besides the
[17] upcoming reorganization?
[18] A: Yeah. An electrical job at his house that I was
[19] supposed to do. I was already reaching the point where
[20] I didn't want to have to be there either. I mean I was
[21] winding down rapidly at that point. I was just tired of
[22] it.
[23] Q: Okay. Anything else from the phone message?
[24] A: That is all I remember. I just remember that I just
[25] never did work up the gumption to call him.

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[1] Q: Apart from that phone message, any other communications
[2] between you and any other Board members about the
[3] upcoming meeting on October 18th?
[4] A: Sheila might have — I don't think she did. Sheila and
[5] I talked fairly regularly. I don't recall anything.
[6] Although I did see Noel fairly regularly, but I don't
[7] remember anything.
[8] Q: All right. So the next thing that should happen
[9] logically is you get your Board packet, or did you
[10] already have it?
[11] A: They come Thursday.
[12] Q: You go into the Board meeting realizing that there are
[13] some competing —
[14] A: Yes.
[15] Q: — competing versions of curriculum changes up for a
[16] vote?
[17] A: Yeah. I can't even remember if the wording was in the
[18] Board packet or not. I think it was, but I am not
[19] positive. I don't have any Board packets. When I
[20] resigned, I left it laying on the table. I figured I am
[21] not on the Board anymore. I don't need this stuff.
[22] That is one reason I don't have any documents. When I
[23] walked, I left it sit.
[24] Q: Did you resign before or after the vote on the
[25] curriculum change?

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(1) A: After.
(2) Q: Tell me how the meeting unfolded from your perspective.
(3) A: We started with an executive session which I think had
(4) to do with disciplinary matters. I am not sure.
(5) Anyway, I remember Casey saying something — citing some
(6) kind of statistic, what have you, which Casey carries
(7) around in her head much better than I ever will. And
(8) Sheila saying do you have that in writing? I am like
(9) whoa, that is the kind of attitude you always used
(10) toward Barrie Callahan. I can see where we fit into the
(11) grand scheme of things. Thanks for making my job
(12) easier, Sheila. I remember thinking that.
(13) And, of course, Bill was not speaking to me at
(14) this point, but he did speak to the rest of the Board.
(15) He said let's go out and let's get this thing done.
(16) It's way passed time. He did not say what this thing
(17) was, but I sort of had a good idea what he was talking
(18) about.
(19) And I said see you on the other side, Bill. And I
(20) left and went outside. I went out to the table. And we
(21) went through the rest of the meeting, blah, blah, blah,
(22) etcetera. And then we got to the issue.
(23) The teachers had found out about this only a few
(24) hours before the meeting. They had never been consulted
(25) on this curriculum change. The administration had

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(1) prepared a compromise resolution. The teachers had
(2) prepared a compromise resolution. I actually think —
(3) okay.
(4) The administration had prepared a resolution which
(5) the Board curriculum committee had rejected and then
(6) came up with their own, at which point the
(7) administration came up with a second — actually, the
(8) first compromise resolution. And then the teachers had
(9) come up with one. We had a total of four resolutions on
(10) the table.
(11) I began voicing my objections to the idea of
(12) including any mention of this in the curriculum. First
(13) and foremost being if we got sued and lost —
(14) incidentally, your law firm had come up at some point.
(15) At some point, Bill informed us you volunteered to
(16) defend the District if we were sued. That may have been
(17) the October 18th meeting. I am not sure.
(18) And I brought up the person on the other side of
(19) the table using him as the boogeyman — sorry, but it is
(20) politics.
(21) Q: That is a reference to the ACLU?
(22) A: Yes. It is like if we lose this case, we are going to
(23) end up paying the other side's legal costs, and that
(24) could run whatever they decide they are. This isn't
(25) worth it. We need to look into this further.

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(1) And their contention was we are not going to get
(2) sued. I can say this if they ever want to go into the
(3) prophecy business, they are off to a lousy start.
(4) Q: Let me ask you: Had you looked over any versions of
(5) competing proposed curriculum changes prior to the
(6) meeting?
(7) A: No. No, I wasn't aware of them until — I think they
(8) were handed to us in the executive session. We had them
(9) when we went out the door.
(10) Q: Was there any discussion of the various versions by Dr.
(11) Nilsen when he handed them out?
(12) A: Dr. Nilsen explained where they came from, why they had
(13) been worded the way they were, and what the possible
(14) objections were. It all boiled down to two words
(15) Intelligent Design.
(16) Basically, I think anything the Board would have
(17) passed that didn't include those two words would have
(18) been acceptable to the administration and the teachers.
(19) But I am guessing. All I know is only one motion had
(20) the words Intelligent Design in it, and that was the
(21) Board's.
(22) Q: Apart from those two words Intelligent Design, were
(23) there any other features of the competing versions that
(24) you recall as being problematic?
(25) A: There was one section of the teachers that was actually

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(1) lifted out of it and placed into the final, and that is
(2) the note: Origins of life will not be taught. That was
(3) originally in the teachers' draft.
(4) At some point in the extremely heated debate,
(5) Casey brought up the fact that we don't teach origins of
(6) life. Are you proposing to change that? And Bill
(7) Buckingham said no, we are not. At which point I said I
(8) move that the phrase note: Origins of life will not be
(9) taught be appended to the Board's motion.
(10) And that was the only motion I made all night that
(11) passed. They didn't have a problem with putting that on
(12) there. Their original motion was the one that we have
(13) now, minus those words note: Origins of life will not be
(14) taught.
(15) Q: What was your rationale, Jeff, for suggesting that
(16) change?
(17) A: Intelligent Design is nothing but the origins of life.
(18) Q: So did you see yourself as defeating —
(19) A: I was making sure they could never teach it by their own
(20) motion. They weren't proposing to teach it, but I was
(21) just covering my butt.
(22) Q: So let me make sure I understand you. You thought that
(23) when the note you suggested adding to the Board's
(24) version was taken in connection with the part of the
(25) proposed curriculum change that said students will be

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[1] made aware of other theories including Intelligent
[2] Design, that read together the net result would be that
[3] Intelligent Design could not be taught, but students
[4] could be made aware of it; is that your thought?
[5] A: Actually, it wasn't. It was just to make sure they
[6] never could.
[7] Q: Then tell me so I can understand you.
[8] A: Okay. Quite frankly, I didn't trust Bill Buckingham as
[9] far as I can kick this building. I don't take — his
[10] promises are worthless to me. He can stand there and
[11] tell me we don't want to teach this, and I will say
[12] yeah, Bill, today.
[13] So I wanted the motion read in such a way that I
[14] wanted a poison pill built right into it so he couldn't
[15] change his mind down the road quite so easily. They can
[16] throw the whole thing out and start from scratch. It
[17] was just the most I could do given the circumstances.
[18] Q: Okay.
[19] A: It wasn't that I thought they didn't want to teach it.
[20] It was that they were saying they didn't want to teach
[21] it. Although the teachers were arguing that by placing
[22] it in the curriculum, the instructional curriculum, they
[23] felt obligated to teach it.
[24] And the Board did argue, did argue that they were
[25] not requiring — they were not saying that we want you

[1] said.
[2] A: He was sharing — he was voicing the same concerns as
[3] the teachers. By including the phrase in the
[4] instructional curriculum, he felt it — again, we are
[5] back to this. Nothing else is mentioned in the
[6] instructional curriculum except subjects that we teach.
[7] And therefore, he didn't have any problem with —
[8] I won't say any problem. He could live with — I will
[9] put it that way. At any rate, he wasn't going to fight
[10] until the last dog died any reference to making students
[11] aware of other potential theories as long as we didn't
[12] name any.
[13] Naming one theory in his — as I understood it,
[14] naming that theory in the instructional curriculum
[15] essentially put it in the same category as subjects that
[16] we teach. I may be misinterpreting what he meant. I
[17] don't know.
[18] Q: That is fine.
[19] A: He is the best man to ask for that.
[20] Q: How about anything else that Dr. Nilsen said when he
[21] passed these proposed changes to you?
[22] A: The objection was always to the phrase Intelligent
[23] Design. I pretty much got the opinion we could write
[24] anything we wanted as long as it didn't have those two
[25] words in it.

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[1] to teach it. They did state that several times during
[2] that meeting.
[3] However, in law it's really irrelevant what you
[4] mean. It is what you put in writing. And they did
[5] place it in the instructional curriculum, which was the
[6] teachers' point. It is like why is it here? Why is it
[7] listed in instructional curriculum if we are not
[8] supposed to teach it? It is the only thing in the
[9] instructional curriculum that they are apparently not
[10] supposed to teach.
[11] I am going by what they said. I don't know.
[12] Q: Was there any discussion of technical use of the word
[13] teaching in the curriculum as opposed to making students
[14] aware of?
[15] A: No, no. The Board did several — I should say the Board
[16] never passed a formal motion saying it should not be
[17] taught. Several Board members, Heather Geesey in
[18] particular I remember saying we are not asking you to
[19] teach it.
[20] But again, that's a comment. All that matters is
[21] what the Board actually passes, what they have got in
[22] writing.
[23] Q: Let me ask you: You say Dr. Nilsen gives you the
[24] versions, and he gives you some explanation for the
[25] changes. Tell me what you recall about what Dr. Nilsen

[1] Q: So then the vote starts. Tell me what you recall about
[2] that.
[3] A: Noel Wenrich, he was as good as he got that night. He
[4] just proceeded to run the gamut of Parliamentary
[5] maneuvers, and we could have been there all night.
[6] In fact at one point, Sheila objected, talked
[7] about it. He looked at her and said I can do this all
[8] night, and she said I know you can. And I know she knew
[9] because back when it was just the four of us, she used
[10] to take such pride in Noel's ability to twist the other
[11] Board into knots.
[12] Well, he was doing it to her, and she didn't like
[13] the shoe on that foot.
[14] So his first motion was to table. I remember
[15] thinking oh, God, if they accept this motion — because
[16] I am the one saying this needs further study. I
[17] remember saying I know committees are where ideas go to
[18] die, but this motion needs further study. And I even
[19] volunteered to be on the committee.
[20] As I am doing it I am thinking for crying out
[21] loud, I can't resign if I do that, can I? But they
[22] spared me. They voted it down. They voted everything
[23] down. The only thing that got passed was the addendum
[24] note: Origins of life will not be taught.
[25] It went on and on and on until Noel finally

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[1] decided what's the point of this. He could keep it up
[2] all night, but he had already tendered his resignation
[3] because he was moving out of the District.
[4] I am sitting there thinking I can probably twist
[5] Angie's arm and get her to vote against this, and it
[6] would fail because it needed six votes. We didn't have
[7] the administration.
[8] I thought but Noel is leaving. So they will
[9] replace him with another knucklehead. I did think that.
[10] I am sorry. I am under oath. I did think knucklehead.
[11] So it is like what is the point? Let's let it happen
[12] now. And we finally just said fine, and they did.
[13] Q: Let me ask you to make sure I understand: What did you
[14] see the point of Noel's Parliamentary maneuvers being?
[15] A: He was giving them every chance in the world to
[16] compromise. In the back of my mind, we have a teachers'
[17] contract coming up next year. Do we really want to be
[18] yanking the teacher's chains right now? This is really
[19] stupid. We are now in the midst of that contract, and
[20] it could not be more acrimonious. But that is an
[21] unrelated subject unless you are a School Board member.
[22] Q: Let me ask you about that. Were the teachers at this
[23] meeting on October 18th?
[24] A: Bertha Spahr. I believe Jen Miller. I don't know who
[25] else. There were some other teachers with her. Again,

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[1] I don't know these teachers, but I do know Bertha Spahr.
[2] She was there. She was basically the spokesperson, but
[3] there were some other science teachers. I think it was
[4] probably Jen Miller, but I don't really know. That is
[5] all.
[6] Q: Do you recall anything that Bert Spahr said?
[7] A: She was adamant that she did not want this in there.
[8] She said it is the feeling of my Department that if
[9] these — if you include this phrase in the instructional
[10] curriculum, we have to teach it. And we are not trained
[11] to teach this. I remember her saying that.
[12] Q: How about any other public comments stick out in your
[13] mind?
[14] A: There wasn't a whole lot of public comment. The Board
[15] was doing quite well by itself. I do recall
[16] Mr. Buckingham at one point telling me that it is a good
[17] thing you weren't around during the American Revolution,
[18] Mr. Brown, or we would still be under a Queen.
[19] I came up out of my chair. I really did. It was
[20] the only time I was on the School Board I wanted to hit
[21] a man really bad. And I remember thinking — I am under
[22] oath so the first thing through my mind was he is a
[23] cripple, I can't hit him. I sat down.
[24] My wife said I know that look. You wanted a piece
[25] of him. I said man, I wanted him bad, but I didn't. I

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[1] behaved myself. And he later tendered an apology which
[2] I have yet to accept. Let me know when hell freezes
[3] over. I will consider it.
[4] Q: Maybe I have missed it.
[5] A: If you got the opinion that the relations between Mr.
[6] Buckingham and I are not the best, I am sorry. I guess
[7] I overplayed it. Ha, ha.
[8] Q: I may have skipped something here. The voting, before
[9] the voting started, was there discussion among Board
[10] members about the rival versions of proposed curriculum
[11] changes?
[12] A: Very little. It was perfunctory. There was some, but
[13] it was strictly — the administration discussed them.
[14] We sat there and listened. I don't think anybody was
[15] under any illusions of what was going to happen next.
[16] If there was any discussion at all, it was not
[17] really very —
[18] Q: Substantive?
[19] A: Yes, that is a good word.
[20] Q: You said the administration discussed them. Would that
[21] be Dr. Nilsen?
[22] A: Yes. Mike Baksa was probably there as well, but I am
[23] not sure. Dr. Nilsen was always there for our executive
[24] sessions. I don't know if Mike Baksa was or not.
[25] Q: But this is not an executive session anymore, right,

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[1] this is the public —
[2] A: Oh, the public meeting. But I mean before the meeting,
[3] there was a discussion in the executive session when we
[4] were presented with the various — that is what I was
[5] referring to. I am sorry. We got confused. What was
[6] your question?
[7] Q: That is fine. So the explanation provided by Dr. Nilsen
[8] is in the executive session. You go out to the public
[9] meeting, and you roll through the meeting until you get
[10] to this agenda item curriculum?
[11] A: Yes.
[12] Q: At that point, was there discussion among Board members
[13] about the various proposed versions of curriculum
[14] changes?
[15] A: Yes. We saw to that.
[16] Q: This discussion is before the voting takes place?
[17] A: Yes.
[18] Q: Tell me what you can recall about that discussion.
[19] A: It involved numerous motions. And under Parliamentary
[20] procedure, the most recently made motion must be voted
[21] on first. So when an amendment — a motion is proposed,
[22] which Mr. Buckingham did when he read it, Noel
[23] immediately proposed an amendment to the motion. That
[24] had to be voted on before we could vote on
[25] Mr. Buckingham's.

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(1) This is what Noel meant by I can do this all
(2) night. And he was correct; you can.
(3) But his motions were not — he hadn't reached the
(4) level of the nonsensical which he used to do at the old
(5) Board just to get them ticked off. I felt they all had
(6) merit from the standpoint — they all had a purpose.
(7) They weren't just there to drag the thing on.
(8) His first motion was to table. And I at that
(9) point, I discussed — I should say at that point, I went
(10) on about I felt a committee should be formed. I voiced
(11) my various objections to this or potential objections.
(12) These were all issues I felt needed to be looked into
(13) before we proceeded any further. They were summarily
(14) rejected by the Board.
(15) And then his next motion was he went through the
(16) various amendment motions. We proposed a few motions of
(17) our own that were essentially — but every motion we
(18) proposed did not include the words Intelligent Design,
(19) and they were all voted down. The Board was adamant the
(20) phrase Intelligent Design had to be in the motion.
(21) There could be no mistaking that because we
(22) considered I think something like 20 amendments. And
(23) while they were willing to amend their motion by adding
(24) the note: origins of life will not be taught, they were
(25) not — we proposed rewording their amendment to take the

(1) Q: It is moved from the teacher's version to the Board
(2) curriculum committee's version?
(3) A: Right.
(4) Q: Casey was on the Board curriculum committee. Had she
(5) participated in formulating the Board's version?
(6) A: No, she had a doctor's appointment that day.
(7) Q: And she missed the meeting in which this was worked out?
(8) A: Right.
(9) Q: When you made the proposal to shift that note from the
(10) teachers's version to the Board curriculum committee's
(11) version, did you have an understanding of what origins
(12) of life are not taught meant to the teachers?
(13) A: Not specifically. The teachers had stated in that
(14) meeting where Casey got her reputation as the peacemaker
(15) that they had never taught origins of life. They viewed
(16) it as too controversial. They didn't get into it.
(17) What they meant by origins of life was the part of
(18) Darwin's Theory that states that all life evolved from
(19) single celled organisms a long, long time ago. They
(20) don't get into that.
(21) Now me I like to take a step further back than
(22) that and state did these organisms just do this on their
(23) own, or is there some master plan or thought process,
(24) etcetera? But they didn't get into that either so it
(25) was irrelevant. I assume that is what they meant. I

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(1) phrase Intelligent Design out, and that was shot down.
(2) I don't know any other way to say it except that
(3) they were adamant that the words Intelligent Design had
(4) to be in the motion. And the teachers were equally
(5) adamant that as long as they were, they couldn't support
(6) it. That's where we stood.
(7) Q: Okay. Now at several points in your answer, Jeff, you
(8) have mentioned that the Board was adamant or they were
(9) adamant?
(10) A: Six members of the Board were adamant.
(11) Q: Who were you referring to there just so I now how you
(12) saw it?
(13) A: Alan Bonsell, Bill Buckingham, Jane Cleaver, Heather
(14) Geesey, Sheila Harkins and, yes, Angie Yingling.
(15) Q: And you also mentioned earlier that the proposed
(16) curriculum change needed six votes.
(17) A: Because it was not an administrative recommendation.
(18) Q: Okay.
(19) A: Otherwise, it would have only needed five.
(20) Q: And you indicated that at your suggestion — or motion I
(21) suppose technically — the note from the teachers'
(22) version —
(23) A: Was placed in there, and that I believe passed
(24) unanimously. I could be wrong, but at any rate it
(25) passed.

(1) don't know.
(2) Q: Okay. And I think you said the point of Noel's
(3) Parliamentary maneuvers was to see if there was a
(4) compromise?
(5) A: If it was possible to get the words — come up with
(6) something both sides could live with. The Board showed
(7) no interest, whatsoever.
(8) Q: You said both sides. How do you see the sides?
(9) A: As I interpreted it, the teachers were very blunt. In
(10) their opinion as long as the words Intelligent Design
(11) were in the motion, they could not support it.
(12) And while the Board did not say that they
(13) absolutely had to be there, they rejected any and all
(14) configurations that did not include the two words. So
(15) we were basically in a situation — it was a shoving
(16) match, and the Board shoved harder.
(17) Q: All right. You have mentioned a comment that Bill
(18) Buckingham made to you during this voting process. Tell
(19) me how you understood — what was he getting at this
(20) thing about the American Revolution?
(21) A: When I settled down, I just looked at him and said don't
(22) you ever question my courage, ever. That is how I took
(23) it. He was basically saying I was some kind of big
(24) weenie, and I was afraid to — that is how I took it.
(25) Q: And I just want to make sure I understand you. Do you

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[1] think he was conveying the notion that you were
[2] capitulating to the teachers?
[3] A: I don't know. I didn't think that far ahead. My
[4] thought process was a little — I was moving on
[5] adrenalin at that point. I wasn't thinking too far
[6] ahead. I don't know. I don't know what he meant by
[7] that.
[8] Q: But you did see it as —
[9] A: I took it as an insult, yes.
[10] Q: All right. Apart from that comment, Jeff, was there
[11] anything else that was said?
[12] A: Heather Geesey made a comment which everybody present
[13] took as meaning if the teachers didn't agree with — how
[14] the hell did she put it? It was in the newspaper.
[15] She made a comment about they should be — if
[16] the — I don't remember the context something about they
[17] should be fired. And the context was I took it, my wife
[18] took it, Joe Maldonado from the Daily Record and Heidi
[19] Bernhard-Bubb from The Dispatch all took it as meaning
[20] that it was directed at the teachers. The word they, of
[21] course, can apply to other people. But that's how we
[22] all took it at the time.
[23] And Joe Maldonado has stated to us in private
[24] conversation that he questioned Heidi (sic) afterward
[25] what she — what she meant. Did she mean this about the

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[1] teachers?
[2] And he claims — I didn't hear it — but he claims
[3] that she said she — I don't know. You better talk to
[4] Joe Maldonado. At any rate if it ever becomes an issue,
[5] it was in the newspaper. It was printed in the
[6] newspaper as she said that the teachers should be fired
[7] if they don't go along with this.
[8] And then when it was published in the newspaper
[9] and created a huge backlash in the community, she said
[10] that what she actually meant was the lawyers should be
[11] fired if they approve this. Again, this is somebody
[12] else's quote. I can't do it any justice, but it was in
[13] the newspaper.
[14] There are two different schools of thought as to
[15] what Heather Geesey meant. But Joe said he talked to
[16] her afterwards to get a confirmation, and he got it. I
[17] don't know. It's not my department.
[18] Q: I understand. Did you ever talk to Joe about his
[19] coverage of these events during the period where the
[20] events were occurring?
[21] A: Yes, I did. I used to kid him about it all the time.
[22] Q: In what way?
[23] A: Because they were always accusing him of misquoting
[24] them. I used to kid him about it. Invent any more good
[25] stories, Joe? Because quite frankly, I never saw Joe

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[1] invent anything.
[2] The quotes that I have seen in the paper — I had
[3] an issue with Heidi Bernhard-Bubb taking my reference to
[4] the Golden Rule out of my statement. But other than
[5] that, I didn't have any problems with accuracy. She
[6] didn't change anything else. She just deleted something
[7] that I thought didn't need deleted.
[8] Again, I know how newspapers work. She may not
[9] have taken it out. Her editor may have taken it out.
[10] But at any rate, I never saw any of the — nothing I
[11] witnessed in none of the situations that I witnessed did
[12] the newspapers get the quotes — I won't say they always
[13] captured them word for word; although, they came pretty
[14] doggone close.
[15] And they certainly never twisted meanings around,
[16] unless in the case of Heather Geesey she actually did
[17] mean the lawyers and not the teachers. I am not the
[18] person to judge that. I don't know. I took it as
[19] meaning the teachers, and a lot of other people did,
[20] too.
[21] Q: Looking at again this October 18th meeting, and Bill
[22] Buckingham made a comment that sticks in your memory,
[23] and Heather Geesey made this comment, anything else that
[24] you recall about discussion by Board members relating to
[25] these proposed changes or the votes had on proposed

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[1] changes?
[2] A: Nothing comes to mind. We were doing most of the
[3] talking. All they were basically doing was waiting for
[4] us to shut up long enough so they could call the
[5] question and end debate on the Noel's latest motion and
[6] vote the thing down.
[7] Then he would make another one, and we would
[8] discuss that. They weren't doing that much talking.
[9] Q: How about the term Creationism?
[10] A: Did not come up. Did not come up. Creationism did not
[11] come up after June, not in public meetings. But I will
[12] say this: Intelligent Design seemed to step into its
[13] shoes without any difficulty, whatsoever. That is an
[14] opinion, but I noticed that at the time.
[15] Bill went from championing one to the other
[16] without batting an eye. I don't know what that means.
[17] Maybe he can answer that.
[18] Q: Can we take a brief break?
[19] (A recess was taken.)
[20] AFTER RECESS
[21] BY MR. GILLEN:
[22] Q: Tell me about your resignation, Jeff. What happened?
[23] A: Well, no sooner was — the vote was final. It was now
[24] — Dover's date with destiny was secure. Although I
[25] must admit, I had no clue. I had no idea.

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[1] And Casey said I would like to make an
[2] announcement, and she read her resignation speech. And
[3] she got up and left. And while she was reading it,
[4] Angie Yingling whispered to me is Casey resigning? I
[5] said yes, and she is not the only one.
[6] And Angie got this huge sad look on her face. You
[7] don't have to know Angie long to know that Angie has a
[8] good heart. We will not comment on the portion of her
[9] anatomy from the neck up, but from the neck down, there
[10] is nothing to fault.
[11] Actually, I can say that as a heterosexual man,
[12] there is nothing to fault.
[13] MS. ROPER: Maybe we should keep on topic.
[14] A: Maybe we can keep on talking.
[15] MS. ROPER: On topic.
[16] A: Good point. I am sorry. I can't resist a straight
[17] line, even if it is mine. So she and I — mine was
[18] short. I was like I am not going to top this. I am not
[19] going to even try.
[20] I basically said I, too, feel there is nothing
[21] more I can accomplish while I am on this Board. And for
[22] those of you who are expressing any fears for the door
[23] striking my posterior, I will endeavor to see that this
[24] does not happen on the way out. And I said I am out of
[25] here.

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[1] I left all my stuff laying on the table. I
[2] grabbed my hat and left.
[3] BY MR. GILLEN:
[4] Q: And what led you to resign, Jeff?
[5] A: I was ready to, anyway. Just what I said. I didn't
[6] feel there was anything else I could accomplish on that
[7] Board. They were no longer listening to me.
[8] A School Board member's only real power is the
[9] power of persuasion. One School Board member can't do
[10] anything. Four — under certain circumstances four can
[11] actually filibuster by refusing to prove a call to
[12] question, you can keep a motion going literally forever.
[13] But it requires four people to do that.
[14] I am looking at it like Noel is leaving. Casey
[15] already left. There is no point. It wasn't really a
[16] question in my mind. I knew I could not accomplish
[17] anything.
[18] They were going to do this. I thought it was
[19] dumb. I thought it was going to blow up in their faces.
[20] It remains to be seen just how much, but, you know, that
[21] was my opinion, and I haven't changed it.
[22] Q: Okay. Did you talk to Angie Yingling about your
[23] resignation after this evening?
[24] A: After this evening, yeah, we have discussed it off and
[25] on. I can't remember anything that I haven't already

[1] told you. Actually, I have told you more than I told
[2] her now that I think about it.
[3] Q: How about any of the other Board members, did you
[4] discuss it with Noel Wenrich?
[5] A: Probably, but not in any great depth or detail. I
[6] remember a discussion he said no, I think you should
[7] have stayed on. I was like well, and I think that was
[8] pretty much it. There really wasn't anything.
[9] Q: Noel was still on the Board?
[10] A: Yes.
[11] Q: He resigned later; right?
[12] A: He had already tendered his resignation, but he didn't
[13] give them a date certain. In other words, he was still
[14] living in the District. I think it was the fifteenth of
[15] November, he was actually leaving.
[16] He had tendered his resignation. It had been
[17] accepted, but it was not going into effect until I think
[18] November 15th.
[19] Jane Cleaver had done the same thing. It might
[20] have been a slightly different date, but they were both
[21] pretty close.
[22] Q: When Noel said he thought you should stay on, did he say
[23] why?
[24] A: That was just his personal feeling. He wasn't really
[25] pushing me. That was just his — had it been him, he

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[1] would have stayed on. That is the way I took it.
[2] Q: How about Angie Yingling, did she discuss her feelings
[3] about your resignation with you?
[4] A: Yeah. Angie called us up and cried. It was like if I
[5] would have known that, I wouldn't have voted for it.
[6] Angie, it's okay. They would have just replaced Noel
[7] with somebody who would have taken your place. Don't
[8] sweat it.
[9] And, of course, shortly thereafter, Angie
[10] requested a revisit of the vote. She wanted to rescind
[11] her vote for the Intelligent Design issue. And the
[12] motion died for lack of a second.
[13] At that point, she tendered her resignation. She
[14] said that is fine then, there is no point, I quit. She
[15] got up, left, came back talked to the reporters. I
[16] heard Joe Maldonado call it in and say we got this out
[17] in Dover. We got another resignation from the Board.
[18] And I could hear the guy goes another one?
[19] But then they had an executive session afterwards,
[20] and Angie excused herself and went to join the executive
[21] session. This is the damndest resignation I have ever
[22] seen. She continued to come to Board meetings for
[23] several more meetings, and then finally delivered an
[24] official letter of resignation. And at that point, it
[25] was accepted I am sure with sighs of relief, and she was

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[1] gone, too.

[2] But she did not — she talked to us — of course,
[3] she didn't talk to us about it prior to her dramatic
[4] that does it, I am leaving. But then she did talk to us
[5] quite a few times between that and the actual letter of
[6] resignation.

[7] Q: And I want to ask you a few questions about that. First
[8] of all, as you know on this evening, Angie voted for the
[9] curriculum change suggested by the Board curriculum
[10] committee as amended to include the note which you have
[11] referenced earlier.

[12] Did Angie ever tell you why she voted for the
[13] curriculum change?

[14] A: Yes.

[15] Q: What did she say?

[16] A: She said they told her that she would be — they said —
[17] they called her. They said people will think you are an
[18] atheist. If you don't vote for the Intelligent Design
[19] motion, she said that told her that people are going to
[20] call you an atheist, or they threatened to call her an
[21] atheist. I heard both versions.

[22] Q: What did Angie tell you?

[23] A: Both.

[24] Q: Did Angie give you both versions?

[25] A: Yes. If you know Angie, that is not surprising. It

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[1] depends which day.

[2] Q: Did she attribute that statement to any particular
[3] person?

[4] A: No. Not to me.

[5] Q: Apart from what you have just said, did she tell you
[6] anything else about her reasons for voting for the
[7] curriculum change?

[8] A: Just that she felt very pressured, and I assumed for
[9] those reasons.

[10] Q: Did she ever talk to you about community pressure?

[11] A: Yeah. But actually the community pressure she talked
[12] about did not have anything to do with her voting on
[13] October 18th. Community pressure, it is my
[14] understanding from what I gathered from her, it was
[15] community pressure that caused her to want her vote
[16] rescinded.

[17] In other words after the vote, she started getting
[18] an awful lot of pressure from neighbors. I know her
[19] father came down on her like a ton of bricks. They all
[20] thought it was terrible that she had voted for this
[21] motion. And that's the only community pressure I heard
[22] about.

[23] Q: Did she ever reference possible negative impact on her
[24] business or anything like that?

[25] A: No. I don't think — no. It was mostly just people

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[1] chewing her out with like what were you thinking?

[2] Q: You have indicated you had some discussions with Angie
[3] after your resignation, but before her formal
[4] resignation we will call it?

[5] A: Yeah. But they were basically you know, I wish you guys
[6] were still on the Board. Oh, I feel so awful. From a
[7] legal standpoint, I don't think there is anything there
[8] to be honest.

[9] Q: Did she give you any specifics about Board actions or
[10] deliberations relating to the biology text or biology
[11] curriculum?

[12] A: I don't think so. She did say — and this could have
[13] been after — I am not sure when this was but while she
[14] was still on the Board, of course, we have the period
[15] where Angie was on the Board before she resigned and
[16] then the period where Angie resigned but was still on
[17] the Board before she resigned, resigned. I can't tell
[18] you which section it was in, but it was in one of those
[19] two.

[20] She did state that they were already making plans
[21] for what to do next after they won their case
[22] quote/unquote. And, again, Angie would be the best
[23] person to tell you this than me. This is hearsay. I
[24] got it from her.

[25] Q: That's fine. Did she say anything more specific about

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[1] the plans?

[2] A: Bible reading and prayer basically.

[3] Q: So Angie Yingling told you that people were discussing
[4] that?

[5] A: That is what she told me, yes.

[6] Q: Did she attribute those statements to any specific Board
[7] members?

[8] A: Alan Bonsell. That is the only one I remember her
[9] mentioning, which seems out of character for Alan. I
[10] will add that for what it is worth.

[11] Q: Apart from what you have told me about your discussions
[12] with Angie, anything else that she said after you
[13] resigned but before she resigned?

[14] A: There was always a lot, but nothing of any relevance
[15] that I can think of. That was basically — nothing is
[16] coming to mind.

[17] Q: How about any of the other Board members, did you ever
[18] discuss the events of October 18th with Alan Bonsell
[19] himself?

[20] A: Okay. Yeah. It would have been in November I'm sure.
[21] He approached me, and he was really upset. And he said
[22] I thought you were a friend. I thought you were
[23] somebody I could count on, stuff like that. But nothing
[24] specific.

[25] Q: Did he ever mention trying to reach you by phone that

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(1) weekend?
(2) A: Yes, he did. That's right. He did at that same
(3) conversation. He said yes, yes, because in that same
(4) conversation, he said — how did he put that? I know he
(5) mentioned it.
(6) I told him I said Alan, I got the message. I said
(7) I just didn't have the stomach to call. I was fed up.
(8) I was done. I don't remember what his exact wording
(9) was, but he did ask me — or mentioned that he had tried
(10) to reach me that whole weekend prior to the vote.
(11) And it was like yeah, I am aware that you did, but
(12) I also no longer — it was just we had nothing left to
(13) say to each other. That was my feeling.
(14) Q: Because of the dispute that had arisen over this —
(15) A: Yes.
(16) Q: — issue of Intelligent Design?
(17) A: Yes.
(18) Q: How about Sheila Harkins?
(19) A: Sheila was in this morning. I don't know if she was
(20) still here when you got here or not. Sheila has always
(21) been very friendly towards me. She was always very
(22) friendly to everybody when it suits her purposes.
(23) Q: Did you have any discussions with her about these
(24) disputes, the biology text, biology curriculum change
(25) after you resigned?

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(1) A: Not after I left the Board.
(2) Q: How about Jane Cleaver, do you ever get in contact with
(3) her?
(4) A: No, no. I sat right next to Jane, but I didn't really
(5) talk to Jane an awful lot. Jane was not — I think Jane
(6) was pretty much of that generation where men and women
(7) don't really talk to each other a lot. That is sort of
(8) the impression I got.
(9) I got the impression she was a little
(10) apprehensive. I don't know. For whatever reason, we
(11) didn't. I mean we passed pleasantries, but nothing in
(12) depth.
(13) Q: Did you attend School Board meetings after you resigned?
(14) A: Yes. In fact, that's where the thing with Alan occurred
(15) in November because I was off the Board by then. I was
(16) at a School Board meeting. After the meeting, he came
(17) up to me, and we talked about that.
(18) Q: Why, Jeff? What was bringing you to the meetings after
(19) that point?
(20) A: Curiosity. I wanted to see — what kind of response.
(21) Did they look at what Casey and I had done and said you
(22) know, we are really demanding that everybody think like
(23) us, and maybe we shouldn't. And judging from their
(24) picks, I would say they reached the exact opposite
(25) conclusion because they picked the biggest bunch of yes

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(1) men and butt kissers I have ever seen in my life.
(2) Q: Do you mean picked to replace people who left the Board?
(3) A: Yes, they did. They bent over backwards to find people
(4) who would never give them any more difficulty. And they
(5) got them. I will give them that.
(6) Q: Well, let me ask you about that. The October 18th
(7) meeting would be the second meeting in October. The
(8) next meeting would be in November; right?
(9) A: Yes.
(10) Q: Did you attend that meeting?
(11) A: Yes.
(12) Q: Do you recall any statements made by Board members
(13) touching on the biology curriculum change during that
(14) first meeting in November?
(15) A: No. I don't believe — I stopped going to the meetings
(16) after awhile. But I don't recall the Board discussing
(17) it at all after that.
(18) Q: When did you stop going to the meetings?
(19) A: That's a good question. It would have been probably
(20) about February I guess. I'm not positive.
(21) Q: February of 2005?
(22) A: Right, yes.
(23) Q: Were you present at the meeting where they selected the
(24) replacements for persons who had left the Board?
(25) A: Yes.

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(1) Q: Do you recall any comments by the Board members from
(2) that meeting?
(3) A: Yes, I do. That I took personally? Once referring to
(4) questions that — if you were on the Board and a vote
(5) didn't go your way, would you just quit, or take your
(6) ball and go home, or sometimes it was take your marbles
(7) and go home? And, of course, everyone dutifully
(8) answered I would not.
(9) If you had any idea how many losing votes I was
(10) involved in on the Board, you wouldn't ask such a dumb
(11) question, Sheila Harkins. And you shouldn't ask it
(12) because you were there while we were routinely losing
(13) votes. And we never quit.
(14) You are getting me on my soapbox. This was a sore
(15) point. I wanted to slug — no, I didn't want to slug
(16) Sheila. Not in the same sense I wanted to slug Bill,
(17) not even close.
(18) Q: How about comments you saw directed to the biology
(19) curriculum issue; were there any —
(20) A: The biology curriculum issue?
(21) Q: Did it come up in discussion?
(22) A: No, no. It was the dog that didn't bark.
(23) Q: Were you present at the meeting when Angie Yingling
(24) resigned?
(25) A: Yes. Both times actually.

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[1] Q: Let's look at the first time. Do you recall what she
[2] said at that point?
[3] A: I think I pretty much gave it to you as I recollect it.
[4] Q: How about the second time?
[5] A: Well, she read a statement. I can remember a few key
[6] phrases from it.
[7] Q: What were they?
[8] A: The one because she lifted it from me with my
[9] permission. I remember telling Bill Buckingham in
[10] executive session, I said Bill, if you want to fight
[11] this — because he was going on about fighting the
[12] Supreme Court. And I am serious, he was. I forgot to
[13] mention that.
[14] Memories are great. The weirdest things trigger
[15] them. I have forgotten that completely. He did state
[16] in executive session that he wanted to fight this all
[17] the way to the Supreme Court.
[18] I said Bill, if you want to fight this issue, why
[19] don't you do it with your own money and stop dunning
[20] the taxpayers to pick up the tab? I said you are
[21] awfully brave with other people's money.
[22] Angie liked it so much she used it in her
[23] resignation speech, that the Board was brave with the
[24] taxpayer's money. I remember that one because I had a
[25] personal stake in it. Nothing else comes to mind at the

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[1] moment. But I am sure she has a copy of it somewhere.
[2] Q: Do you recall her saying anything about feeling pressure
[3] at that time?
[4] A: I think she did, but I am not positive. I know it was
[5] in the newspapers. At some point either from her
[6] resignation speech or from talking to reporters, it was
[7] in the newspaper, her feeling pressure, being pressured,
[8] being threatened and called an atheist. I remember
[9] reading it in the paper, but I don't remember in what
[10] context.
[11] Q: I want to see if I can go back and get a better sense
[12] for the way you see things with respect to the specific
[13] issue here. And that is earlier before lunch, we were
[14] talking, and you had this sense that the support of
[15] certain Board members for this Intelligent Design or Of
[16] Pandas was linked to religion.
[17] A: Yes, I felt that. Now I should qualify that. You said
[18] certain Board members. I will not say all because in
[19] Sheila Harkins' case, I am not convinced it is basically
[20] based on conversations I have had with her.
[21] But Heather Geesey, Bill Buckingham, Jane Cleaver
[22] definitely, and to a lesser extent Alan Bonsell;
[23] although, I wouldn't be sure how much lesser.
[24] Q: What I am trying to get a sense for, Jeff, is why? What
[25] is the connection that you are making and what is the

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[1] foundation for that?
[2] A: Just the general atmosphere. The general things people
[3] say, the way they say them. It was obviously important
[4] to them. The religion was obviously important to them.
[5] The comments on school prayer, which as I said I
[6] am giving them to you vaguely because that is how I
[7] remember them is vaguely. But it was all a part of the
[8] same piece.
[9] And what to me is inextricable is the fact that
[10] this whole thing evolved, and Mr. Buckingham carried the
[11] ball initially, and there was no — I don't think there
[12] was any question in anybody's mind who was sitting in
[13] the same room with him that it was all about religion to
[14] him.
[15] And because of that connection, because in his
[16] case it most definitely was, and the fact that there
[17] were these areas of agreement with other Board members,
[18] yes, I have connected this.
[19] Nobody ever flat out said to me — Bill came as
[20] close as anybody, and he didn't say it to me. He said
[21] it in public on his 2,000 years ago speech. Nobody ever
[22] came up to me and said we want to put Intelligent Design
[23] in the classroom because our real goal is to get our
[24] particular religion back into the public schools, and we
[25] don't want anybody else's in there.

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[1] Nobody ever said that in words. That was just the
[2] impression that was conveyed. And I have given you so
[3] many different this's and that's. But in my mind, they
[4] all coalesce — Heather Geesey's we're not teaching
[5] other religions, the discussion that yes, prayer should
[6] be back in school, Bible reading should be back in
[7] school, the conviction that scientists for reasons as
[8] yet that are to me utterly incomprehensible would try
[9] and foist a hoax on the world, and the fact that they —
[10] I am convinced they believe this. This is not — they
[11] are absolutely certain that that is what is actually
[12] happening.
[13] It is all part and parcel of a world view in which
[14] you got your forces of darkness, your forces of light.
[15] You are on one side or the other. Which one is it going
[16] to be folks?
[17] Have I got ironclad evidence that would survive?
[18] Could I pass a lie detector test asking me if I believe
[19] from the bottom of my heart that they think they are
[20] doing God's work? Yes, I am sure I could.
[21] It is based on, you know, conversations over a
[22] period of years and specific things. But it is just —
[23] I don't know how to put it any better. That's pretty
[24] much it.
[25] Nothing I heard ever contradicted that viewpoint

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[1] with the exception of Sheila Harkins. And she is a
[2] special case. Don't ask me why she supported it. I
[3] don't know.
[4] But the rest of them to greater or lesser degree,
[5] it was all part and parcel of their entire world view
[6] that, you know, we got God here, we got Satan here, and
[7] you are working for one or the other. And there is
[8] nothing in between.
[9] Q: Okay. But in fairness to them, Jeff, is that a
[10] connection that you are making, that is an inference you
[11] are drawing based on what you perceived?
[12] A: I mean I have heard — they have discussed religion with
[13] me. I mean nothing — and that is their religious view,
[14] yes. They do believe, you know, everything that happens
[15] in the world is either a direct intervention by God or
[16] by Satan. And we are basically puppets on a stage.
[17] I have heard — good Lord, who was it that said
[18] that? I guess it was Alan. Yes, it was. It came
[19] across as I'm protecting Alan. I keep finding more
[20] things and saying there isn't anything there.
[21] Alan had a discussion with me on religion one
[22] night, and that pretty much conveyed exactly what I just
[23] said. This is how the world works, and this is how it
[24] is. And that, you know, what is happening anywhere, any
[25] time is either one or the other.

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[1] And I don't believe — it sticks in my mind that
[2] he was of the opinion that the world is going to end
[3] very shortly. Bill Buckingham is pretty much of that
[4] opinion also — or not pretty much. He is of that
[5] opinion. What am I saying?
[6] I am rambling because I am rambling through my own
[7] thoughts here and trying to bring up more of this stuff.
[8] I have this basis for belief. And to be honest with
[9] you, I have never really torn it apart and figured out
[10] where it all came from. It's just there. It was the
[11] atmosphere of that Board. Very much a Fundamentalist
[12] end of times kind of mentality, and it permeated a lot
[13] of things.
[14] Q: Let me ask you, Jeff, you have mentioned the discussions
[15] involving religion with Alan Bonsell. Did you have a
[16] lot of discussions with Alan about religion?
[17] A: I remember that one. Well, he knew I was a Sunday
[18] schoolteacher. And the truth is religion fascinates me.
[19] Furthermore, you know, I don't — I don't make — I
[20] don't have a problem with anybody's religious beliefs as
[21] long as they let me have mine.
[22] At that point in time, I felt there was room in
[23] the world for his and mine both. I guess toward the end
[24] of my tenure on the Board, I was increasingly getting
[25] the feeling the world just wasn't big enough for me and

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[1] them both.
[2] Q: Let me ask you the discussion you reference, I think you
[3] said it happened at night. Was it on the phone or in
[4] person?
[5] A: In person.
[6] Q: Where was it?
[7] A: It was at one of the — it wasn't at the 56 building
[8] where we normally meet. It was at Leib Elementary
[9] School. So it would not have been in 2004. It would
[10] have been before that because we did not meet at Leib in
[11] 2004.
[12] Q: You said religion fascinates you. Can you tell me how
[13] it came up? How did you guys start talking about
[14] religious beliefs?
[15] A: I don't remember. I honestly don't. I remember some of
[16] the points he made that he believed. Of course being
[17] human, I remembered the ones that I thought were the
[18] goofiest. If I made any, I'm sure he remembered the
[19] ones he thought were goofy, too. It was just there.
[20] Like I said, there is no smoking gun. I haven't
[21] got the signed document. This is just my impression
[22] based on having worked with these people and known them,
[23] and known them more than just professionally. I guess
[24] like I said, I considered them friends.
[25] And I think that is one of the things that really

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[1] had something to do with the resignation was the fact
[2] that I am seeing people that I consider friends turning
[3] against me because I don't happen to believe their
[4] particular version of Christianity. That bothered me.
[5] It still does.
[6] Q: Let me ask you discussions about religion with Sheila
[7] Harkins, you ever discuss it with her?
[8] A: Yeah. Never had a problem. Sheila is a Quaker. Loved
[9] them. They were good. No problem. Sheila is very open
[10] minded on religion. Quakers are.
[11] That is why I keep definitely putting Sheila
[12] outside of this. I don't feel that this was any sort
[13] of — I don't think — I will put it this way: If
[14] religion had anything to do with Sheila's backing this,
[15] it was a different take on religion than the rest of
[16] them. The rest of them I consider Fundamentalists.
[17] They don't all go to the same church, but the
[18] churches they go to are all pretty much the same stripe.
[19] And their approach toward religion is very much — well,
[20] it's what I would call neo-Fascist. The minister is
[21] basically going to tell you how it is going to be, and
[22] you are going to say amen, and that is what it is going
[23] to be. You don't have that kind of give and take that I
[24] am used to in my church and then apparently is quite
[25] prevalent in the Quaker faith as well.

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[1] Sheila and I had no problems on religion. We
[2] could disagree all day, and nobody was going to hell
[3] over it.
[4] Q: What I am just getting at is did you discuss your
[5] religious convictions and hers with Sheila just in your
[6] communications with her over the years?
[7] A: Right, yes.
[8] Q: How about Jane Cleaver, did you do the same?
[9] A: She discussed hers. I did not discuss mine. Jane is a
[10] very nice lady, and I was afraid it would offend her. I
[11] didn't agree with her on everything.
[12] The truth is the only one that I really discussed
[13] them in depth with was Sheila because I felt I could
[14] without offending them, without convincing them that,
[15] you know, this guy thinks he is on God's side, and he is
[16] going to hell.
[17] Q: How about Heather Geesey, ever have any discussions with
[18] her —
[19] A: No.
[20] Q: — with respect to religious beliefs?
[21] A: Not really. She made statements — numerous statements
[22] that indicated to me, for one thing, she went to the
[23] same church as Alan. They were that same basic
[24] background. And various things.
[25] I got the impression from Heather that we really

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[1] wouldn't have much to talk about, but I didn't ever try.
[2] Q: How about Noel Wenrich?
[3] A: Not really, no. Noel and I basically agreed to disagree
[4] on religion. Just like we have in politics. He still
[5] has a Bush sticker on his car. That is pathetic.
[6] Q: How about Angie Yingling, had any discussions with Angie
[7] about religion?
[8] A: You don't discuss anything in depth with Angie. I don't
[9] think we discussed religion other than, you know — not
[10] in the same sense that I discussed it say with Sheila or
[11] Casey for that matter. We have discussions. But no, I
[12] don't think so.
[13] Angie has made a few statements I go to church, I
[14] believe in God, I am not an atheist. That's cool. I
[15] just don't get into it with her.
[16] Q: I mean was there any time in any of these discussions
[17] where you just said to any of these people I have just
[18] gone through their names, Alan, or Sheila, or Noel, or
[19] Angie or Jane I would really rather not talk about it?
[20] A: No, no.
[21] Q: Why was that? Was it because as you say religion
[22] fascinated you, or it was just part of getting to know
[23] the person?
[24] A: It meant something to them. My dad loves race cars. I
[25] can't imagine what is exciting about watching a bunch of

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[1] white guys driving around in a circle. He loves them.
[2] I sit there very politely, and I listen when he
[3] talks about his passion. I am good at this. I can do
[4] it.
[5] I don't know. It never occurred to me to say no,
[6] I wouldn't want to talk about this.
[7] Q: How about in the period since your resignation, have you
[8] talked with any of the biology teachers about the matter
[9] of the biology curriculum change?
[10] A: No.
[11] Q: Or its implementation?
[12] A: I have had a few social exchanges with Bert Spahr, but
[13] that is it. Nothing about it.
[14] Q: It is evident as a Board member, you had reservations
[15] about this whole curriculum change. I think you have
[16] explained that that is because you saw Intelligent
[17] Design Theory as religious. Is that accurate, Jeff?
[18] A: Yes. I also saw it as leading to litigation. That was
[19] a concern. It was both. But to be honest with you, it
[20] was more the — as a School Board member, guardian of
[21] the taxpayers' dollars, the money aspect was very
[22] important to me.
[23] But on a personal level, far more the fact that I
[24] felt — I felt personally threatened from the standpoint
[25] of — that my religious beliefs were essentially being

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[1] marginalized. Basically, I thought they were — their
[2] religious views were very exclusive and that I was being
[3] basically — I don't know. I felt threatened to some
[4] degree.
[5] Q: Let me get a better sense for that. You say religious
[6] beliefs being marginalized. What beliefs are you
[7] referring to?
[8] A: The fact that I don't have a problem with a God who
[9] would create a universe through Evolution. It seems
[10] logical and sensible to me. I have no idea if he did.
[11] It seems like the evidence points that way. I am not
[12] going — but I don't have a problem with it.
[13] I got the impression from them that this was
[14] incompatible, that you could not, that the price tag for
[15] Christianity was believing that every word in the book
[16] of Genesis was literally true. I don't. I think it is
[17] a bunch of parables.
[18] I felt very threatened by that as though to say
[19] you are not really a Christian then. It is like then
[20] what am I? Give me a new label I guess. I didn't like
[21] getting kicked out of my church just because I didn't
[22] believe what they did.
[23] That is the way I felt. I felt like I was being
[24] increasingly pushed into a set of views I don't hold,
[25] and that was the going price tag for getting in the

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(1) door.

(2) I am not saying as a member of my particular
(3) church. Not at all. But as a Board member, and as I
(4) said increasingly, I felt ineffective as a Board member
(5) based not on the quality of advice I had given them in
(6) the past or work I had done, but strictly based on my
(7) religious views.

(8) So far, I am one and 0 on predictions, and they
(9) are 0 and one. But they are sitting on the Board, and
(10) I'm not. Why? Because I don't go to the right church.

(11) I am not sitting there because I resigned. That
(12) is my fault. They couldn't kick me off. They didn't
(13) try to kick me off. I will put it this way: They
(14) listened more to the people who are 0 and one than they
(15) would have listened to the guy that is one and 0 because
(16) they didn't trust me.

(17) Q: Well, let me ask you about that. We are talking about
(18) your advice and input. Is it advice and input with
(19) reference to this issue that we discussed today?

(20) A: Not just this issue. I have got lots of opinions as you
(21) may have noticed. I have never been — generally, if I
(22) told them something wasn't going to work, it generally
(23) didn't work. I was pretty proud of that record.

(24) They tended to listen to me. If I said — it
(25) wasn't like I ordered them around. I just gave them

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(1) advice. I could tell when they were listening, and I
(2) could tell when they had stopped. And they stopped in
(3) all areas. They didn't trust me on anything.

(4) I was the chairman of Buildings and Grounds. And
(5) as such, I had been authorized by the Board earlier to
(6) authorize emergency expenditures of up to \$25,000.00 in
(7) case of change orders with this building project. And
(8) when the Board gave me that, there was no problem.

(9) But as time went by, I started hearing grumblings
(10) about if any use of that power even for the most
(11) miniscule things like look, we got to make a decision
(12) here, we got to go one way or the other, people are
(13) standing around and this isn't covered under our bid
(14) because it is something that was never supposed to be
(15) behind that wall we just tore open, they didn't trust me
(16) anymore. They didn't trust me in any area.

(17) It wasn't just that they didn't trust my advice on
(18) Intelligent Design. They no longer trusted me with the
(19) taxpayer money. They didn't trust my judgment on
(20) construction, and I work in construction. It all
(21) triggered from there.

(22) It began with the Pledge of Allegiance, and it
(23) went downhill from there.

(24) Q: Apart from what you have just referenced, this use of
(25) the power to authorize expenditures under \$25,000.00, is

(1) there any other examples that you feel contributed to
(2) this sense you have that they didn't trust you?

(3) A: Just the look in their eyes. Nothing comes to mind. It
(4) was there.

(5) Q: We have talked a great deal today about these events and
(6) sort of religion and religious dimensions of your
(7) experience as a Board member.

(8) Is there anything else that you remember, Jeff,
(9) that speaks to those issues that supports this sense you
(10) have that the actions of certain Board members with
(11) respect to the biology text, the text Of Pandas or the
(12) curriculum change that was approved on October 18th,
(13) 2004 was connected with religion?

(14) A: Nothing is coming to mind. That doesn't prove anything.

(15) Q: Let me just look here real quick. I think that you had
(16) discussions at some point with Joel Leib and Deb
(17) Fenimore?

(18) A: Yeah.

(19) Q: Tell me what you talked to them about.

(20) A: Oh, boy. They stopped by the house. I think they
(21) called first, but I am not even sure about that. I
(22) definitely remember them being there. Good Lord, I
(23) can't remember much else.

(24) I mean I can remember talking to Joel, but — I
(25) hadn't seen Joel in awhile. Basically, we were just

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(1) catching up because I had known Joel for quite a few
(2) years. I don't remember what we talked about relative
(3) to this issue.

(4) I can tell you a whole bunch of stuff about what
(5) happened to him at work. I can't remember. This is
(6) awful, but all I remember is the social stuff. That is
(7) terrible.

(8) Q: Do you remember any comments to Joel?

(9) A: I was aware that he was a plaintiff in the lawsuit.
(10) Don't get me wrong. I don't remember discussing any
(11) details. I am sure we did. I can't think of any.

(12) Q: Let me ask you: Do you remember providing either Joel
(13) Leib's or Deb Fenimore's names to anyone as potential
(14) plaintiffs?

(15) A: No.

(16) Q: You recall them stopping by. Do you know whether it was
(17) before or after the lawsuit was filed?

(18) A: I am sure it was after. Yeah, it would have had to have
(19) been because I knew they were plaintiffs. It was after,
(20) definitely.

(21) Q: Do you ever recall saying anything to either Joel Leib
(22) or Deb Fenimore about, what shall I say, being
(23) threatened or threatened by Board members or feeling
(24) threatened?

(25) A: Now I remembered something else. Okay. This is

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(1) something Angie told me. She said Alan and Sheila had
(2) said that their plan would be to go around to plaintiffs
(3) and explain to them that by suing the District, you
(4) know, they would probably be ostracized by the
(5) community. This is hearsay, but this is what Angie told
(6) me.

(7) And that they felt — Angie said that they felt
(8) confident that this would cause people to drop out of
(9) the lawsuit. And I do remember passing that on to Joel,
(10) that she had said this. Or I was discussing it with
(11) him. I think I was as much fishing to see if this had
(12) actually happened as anything else. Yes, I did discuss
(13) that with him that day.

(14) Q: Did Joel indicate anything happened along those lines?

(15) A: No. He said nothing had.

(16) Q: Do you recall anything else that was discussed with Joel
(17) Leib and Deb Fenimore at this meeting?

(18) A: He said that he had talked to his neighbors before he
(19) filed — became a plaintiff and explained why he was
(20) doing it, and asked if they had a problem with it
(21) because he was concerned about the possibility of his
(22) neighbors being angry.

(23) I think he said that they didn't have a problem,
(24) or said go for it, or what have you. I don't know. But
(25) at any rate, I do remember him saying something along

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(1) those lines.

(2) Q: You mentioned Heather Geesey. Was Casey Heather's
(3) mentor?

(4) A: Yes.

(5) Q: As a Board member, did Casey ever say anything to you
(6) about their relationship as mentor/mentee?

(7) A: It deteriorated rapidly.

(8) Q: Did she say why?

(9) A: Heather just basically seemed to reach a point where
(10) Casey had nothing more to teach her was the impression I
(11) got. She didn't say why. She just said Heather doesn't
(12) pay any attention to anything I say anymore.

(13) Q: When did Casey say that?

(14) A: It wasn't too long — Heather came on the Board in
(15) December of 2003. And it was not all that — it was
(16) sometime in early 2004, but I couldn't tell you exactly
(17) when.

(18) Q: Did Casey reference any specific advice she had given to
(19) Heather that Heather disregarded?

(20) A: I think so, but don't ask me what it is. Yeah, I think
(21) she did. Basically, I think it was that — Heather was
(22) supposed to study certain things. And Heather was
(23) basically of the opinion that I don't have to. I am on
(24) the School Board.

(25) And Casey's opinion is that is why you have to

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(1) study it. That is how I remember it. I'm not sure. I

(2) just remember very quickly she got disgusted with
(3) Heather's attitude which was basically I don't have to
(4) do any work, I am on the School Board.

(5) Q: Let me see if I can flesh that out. It is evident to me
(6) after deposing your wife yesterday that she devoted
(7) considerable energy to her duty as a School Board
(8) member?

(9) A: Yes.

(10) Q: And also that she did a lot of work after hours to
(11) familiarize herself with state standards, state laws and
(12) so on that govern the activities of the School District.
(13) Is that accurate, Jeff?

(14) A: That is extremely accurate.

(15) Q: Do you think what Casey was getting at when she
(16) discussed Heather with you was that she had told Heather
(17) to bone up on those sorts of subject matters?

(18) A: I can't answer that.

(19) Q: That's fair enough. Do you remember anything else Casey
(20) said about Heather or their relationship as
(21) mentor/mentee?

(22) A: Just that within a very short time, she felt that it
(23) was — that Heather was just not paying any attention to
(24) her at all.

(25) MR. GILLEN: I have no further questions, Jeff.

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(1) The words we've been waiting for.

(2) MS. ROPER: Wait. I am sorry. I want to ask you
(3) a couple of questions about just one subject.

(4) A: Go ahead. It is your turn.

BY MS. ROPER:

(5) Q: You mentioned a timeline, if I understood it, that you
(6) and your wife put together?

(7) A: Yes.

(8) Q: Is that something that you recall writing down with her?

(9) A: No. She wrote it down. We discussed it back and forth.

(10) Q: Did she write it down in your presence?

(11) A: Sunday in Eric Rothschild's presence, too, and Chris
(12) whoever. We were putting it together while they were
(13) there. She was putting — I was assisting verbally, but
(14) she did all the actual writing.

(15) Q: Did anyone but her do any writing?

(16) A: No. No, definitely not.

(17) Q: Do you know where that piece of paper or papers — do
(18) you know if the timeline was completed during the
(19) meeting with Eric Rothschild and Chris whose last name
(20) we don't know?

(21) A: I doubt it. No, that's right. She was fiddling with it
(22) later in the day and adding things as things came to her
(23) and asking me questions.

(24) She didn't leave a copy of that here?

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- [1] Q: Let's stick to what you know. You don't know what
[2] happened to that timeline?
[3] A: She had it yesterday at some — I assume — yes, she had
[4] it yesterday morning. What happened to it, I was under
[5] the impression she brought it with her.
[6] Q: How do you know she had it yesterday morning?
[7] A: Because I saw it.
[8] Q: You saw it in her hands?
[9] A: It was laying on the table as she was getting ready.
[10] Q: Thanks.
[11] A: It was laying with the stuff, the boxes of clippings and
[12] that kind of stuff. I assumed she brought it with her,
[13] but I don't really know.
[14] MS. ROPER: That is all I wanted to clear up.
[15] MR. GILLEN: That is fine. Thank you for coming,
[16] Jeff.
[17] (The deposition was concluded at 5:30 p.m.)
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COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CUMBERLAND :

I, Vicki L. Fox, Reporter and Notary Public in and
for the Commonwealth of Pennsylvania and County of
Cumberland, do hereby certify that the foregoing
testimony was taken before me at the time and place
hereinbefore set forth, and that it is the testimony of:

JEFFREY BROWN

I further certify that said witness was by me duly
sworn to testify the whole and complete truth in said
cause; that the testimony then given was reported by me
stenographically, and subsequently transcribed under my
direction and supervision; and that the foregoing is a
full, true and correct transcript of my original
shorthand notes.

I further certify that I am not counsel for nor
related to any of the parties to the foregoing cause,
nor employed by them or their attorneys, and am not
interested in the subject matter or outcome thereof.
Dated at Camp Hill, Pennsylvania, this 2nd day of
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Vicki L. Fox

Reporter - Notary Public

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